

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 1</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE MIDDLE DISTRICT OF ALABAMA 3 EASTERN DIVISION 4 5 CASE NUMBER: 3:05-CV-1186 6 VICTOR SMITH, 7 Plaintiff, 8 vs. 9 EURO-PRO OPERATING, L.L.C., et al., 10 Defendants. 11 12 STIPULATION 13 IT IS STIPULATED AND AGREED by and 14 between the parties through their respective 15 counsel, that the deposition of Victor Smith 16 may be taken before Angela Smith, RPR, CRR, 17 at the offices of Bowles & Cottle, at 2 18 South Dubois Avenue, Tallassee, Alabama 19 36078, on the 24th day of May, 2006. 20 21 DEPOSITION OF VICTOR SMITH 22 23</p>	<p style="text-align: right;">Page 3</p> <p>1 ***** 2 INDEX 3 EXAMINATION 4 PAGE 5 By Mr. Lightfoot 5 6 DEFENDANT'S EXHIBITS 7 PAGE 8 Ex. 1 - Mr. Smith's resume 29 9 Ex. 2 - Job description for 10 position in life cycle 11 testing 69 12 Ex. 3 - The sketch of the steam 13 cleaning testing 14 machine 79 15 Ex. 4 - 6/28/04 e-mail from Chad 16 to Mr. Smith 86 17 Ex. 5 - 5/5/04 evaluation from 18 Mr. Hudnall from 19 meeting 90 20 Ex. 6 - 8/31/04 evaluation 103 21 ***** 22 23</p>
<p style="text-align: right;">Page 2</p> <p>1 IT IS FURTHER STIPULATED AND 2 AGREED that the signature to and the reading 3 of the deposition by the witness is waived, 4 the deposition to have the same force and 5 effect as if full compliance had been had 6 with all laws and rules of Court relating to 7 the taking of depositions. 8 IT IS FURTHER STIPULATED AND 9 AGREED that it shall not be necessary for 10 any objections to be made by counsel to any 11 questions except as to form or leading 12 questions, and that counsel for the parties 13 may make objections and assign grounds at 14 the time of the trial, or at the time said 15 deposition is offered in evidence, or prior 16 thereto. 17 IT IS FURTHER STIPULATED AND 18 AGREED that the notice of filing of the 19 deposition by the Commissioner is waived. 20 21 ***** 22 23</p>	<p style="text-align: right;">Page 4</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE MIDDLE DISTRICT OF ALABAMA 3 EASTERN DIVISION 4 CASE NUMBER: 3:05-CV-1186 5 VICTOR SMITH, 6 Plaintiff, 7 vs. 8 EURO-PRO OPERATING, L.L.C., et al., 9 Defendant. 10 BEFORE: 11 ANGELA SMITH, Commissioner. 12 APPEARANCES: 13 JOHN I. COTTLE, ESQUIRE, of BOWLES 14 & COTTLE, 2 South Dubois Avenue, Tallassee, 15 Alabama 36078, appearing on behalf of the 16 Plaintiff. 17 WARREN B. LIGHTFOOT, JR., ESQUIRE, 18 of MAYNARD, COOPER & GALE, 2400 19 AmSouth/Harbert Plaza, Birmingham, Alabama 20 35203, appearing on behalf of the Defendant. 21 ALSO PRESENT: Terry Robertson 22 Ralph Hudnall 23 Tiffany Threlkeld</p>

1 (Pages 1 to 4)

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FREEDOM COURT REPORTING

<p style="text-align: right;">Page 5</p> <p>1 *****</p> <p>2 I, ANGELA SMITH, RPR, CRR, a Court</p> <p>3 Reporter of Wetumpka, Alabama, acting as</p> <p>4 Commissioner, certify that on this date, as</p> <p>5 provided by the Federal Rules of Civil</p> <p>6 Procedure and the foregoing stipulation of</p> <p>7 counsel, there came before me at the offices</p> <p>8 of Bowles & Cottle, 2 South Dubois Avenue,</p> <p>9 Tallassee, Alabama 36078, beginning at 10:18</p> <p>10 a.m., Victor Smith, witness in the above</p> <p>11 cause, for oral examination, whereupon the</p> <p>12 following proceedings were had:</p> <p>13 VICTOR SMITH,</p> <p>14 being first duly sworn, was examined and</p> <p>15 testified as follows:</p> <p>16 COURT REPORTER: Usual</p> <p>17 stipulations?</p> <p>18 MR. COTTLE: Yes.</p> <p>19 MR. LIGHTFOOT: Yes.</p> <p>20 EXAMINATION</p> <p>21 BY MR. LIGHTFOOT:</p> <p>22 Q. Okay. Good morning,</p> <p>23 Mr. Smith.</p>	<p style="text-align: right;">Page 7</p> <p>1 shaking or a nodding of the head, the way we</p> <p>2 all communicate normally, but it makes it</p> <p>3 very hard to keep a good Record. So if you</p> <p>4 say uh-huh or huh-uh, I may just say: Do</p> <p>5 you mean yes or no, and then if you'll just</p> <p>6 then say it.</p> <p>7 A. Okay.</p> <p>8 Q. You understand you're under</p> <p>9 oath here today, and that you've sworn to</p> <p>10 tell the truth?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And are you on any</p> <p>13 medication or anything else that prevents</p> <p>14 you from thinking clearly, hearing me or</p> <p>15 understanding me?</p> <p>16 A. No.</p> <p>17 Q. All right. Let me know at any</p> <p>18 time if you don't understand the question</p> <p>19 that I'm asking and I'll be happy to clarify</p> <p>20 it until you do understand. Okay?</p> <p>21 A. Okay.</p> <p>22 Q. Otherwise, if you answer my</p> <p>23 question, I'm going to assume that you</p>
<p style="text-align: right;">Page 6</p> <p>1 A. Good morning.</p> <p>2 Q. My name is Warren Lightfoot.</p> <p>3 We just met. I represent Euro-Pro that you</p> <p>4 have sued in this lawsuit.</p> <p>5 A. Uh-huh.</p> <p>6 Q. I'm going to be taking your</p> <p>7 deposition here today. Have you ever been</p> <p>8 in a deposition before?</p> <p>9 A. No.</p> <p>10 Q. Okay. As I'm sure your lawyer</p> <p>11 has told you, I'll just be asking you a</p> <p>12 series of questions. The court reporter</p> <p>13 will be taking down every question that I</p> <p>14 ask and every answer that you give. And</p> <p>15 please let me know if you want to take a</p> <p>16 break at any time.</p> <p>17 A. Uh-huh.</p> <p>18 Q. I will ask you, you'll need to</p> <p>19 answer every question that I ask you</p> <p>20 verbally, out loud, please. And if, for</p> <p>21 instance, if it's a yes or no question, I'll</p> <p>22 ask you to answer it with a yes or a no,</p> <p>23 instead of like a uh-huh, a huh-uh or a</p>	<p style="text-align: right;">Page 8</p> <p>1 understood the question that I was asking.</p> <p>2 Okay?</p> <p>3 A. Okay.</p> <p>4 Q. All right. State your name</p> <p>5 for the Record, please.</p> <p>6 A. Victor D. Smith.</p> <p>7 Q. All right. Please give me</p> <p>8 your Social Security number and date of</p> <p>9 birth, please.</p> <p>10 A. 419-04-5769. Date of birth,</p> <p>11 April 2, 1970.</p> <p>12 Q. 1970. That makes you how old</p> <p>13 right now?</p> <p>14 A. Thirty-six.</p> <p>15 Q. Okay. What's your address?</p> <p>16 A. 5600 Carmichael Road,</p> <p>17 Apartment 2411, Montgomery, Alabama 36117.</p> <p>18 Q. Okay. Are you married?</p> <p>19 A. Single.</p> <p>20 Q. Have you ever been married?</p> <p>21 A. Yes.</p> <p>22 Q. How many times?</p> <p>23 A. Once.</p>

2 (Pages 5 to 8)

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FREEDOM COURT REPORTING

<p style="text-align: right;">Page 9</p> <p>1 Q. All right. And when were -- 2 Were you divorced? 3 A. Yes. 4 Q. All right. When were you 5 married and when were you divorced? 6 A. I was married in 1992. 7 Q. Okay. 8 A. Divorced in 1997. 9 Q. Okay. And to whom? 10 A. Tanisha D. Blue. 11 Q. Can you spell those, please? 12 A. T-A-N-I-S-H-A, D, Blue, 13 B-L-U-E. 14 Q. Okay. Where does she reside? 15 A. Raleigh, North Carolina. 16 Q. Okay. Do you have any 17 children? 18 A. No. 19 Q. All right. Is there anyone 20 who is dependent on you? Do you have any 21 dependents? 22 A. No. 23 Q. All right. Have you ever --</p>	<p style="text-align: right;">Page 11</p> <p>1 Q. What documents did you review 2 to prepare yourself for this deposition? 3 A. None. 4 Q. Okay. Just to be sure I'm 5 clear on that, I assume you talked with your 6 lawyer at some point. I don't get to know 7 about that and don't want to know about 8 that. But I do want to know of any 9 documents that you reviewed in any way, 10 whether it was yesterday or whether it was 11 in the six months leading up to this -- to 12 today, that you reviewed in any way that 13 relate to giving your testimony today. 14 Just to be clear, your 15 testimony is you've not reviewed any 16 documents to prepare? 17 A. I reviewed my lawyer's 18 letters. I reviewed evaluations from the 19 company. 20 Q. Okay. 21 A. I reviewed -- If memory serves 22 correctly, that's the only documents I have 23 reviewed.</p>
<p style="text-align: right;">Page 10</p> <p>1 You said you'd never given a deposition 2 before. Have you ever testified in Court or 3 given an affidavit or otherwise given a 4 sworn statement at all before? In other 5 words, given testimony under oath before? 6 A. No. 7 Q. Okay. Have you ever been a 8 party to a lawsuit before this? 9 A. No. 10 Q. Either as a plaintiff or a 11 defendant? 12 A. No. 13 Q. Okay. You brought an EEOC 14 charge. Do you remember going to the EEOC 15 and filing a charge? 16 A. Uh-huh. 17 Q. Is that a yes? 18 A. Yes. 19 Q. Okay. Have you ever gone to 20 another -- to the EEOC, or to any other 21 agency, federal or State government agency 22 before to make a complaint? 23 A. No.</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. Was the evaluation from the 2 company and letters from your lawyer? 3 A. Right. 4 MR. COTTLE: If you don't mind 5 me jumping in here. 6 MR. LIGHTFOOT: Sure. 7 MR. COTTLE: We did look over 8 the whole packet of information in your 9 initial disclosures, which consisted, I 10 think, primarily of evaluations. But there 11 was some other documents maybe in there he's 12 not remembering. 13 MR. LIGHTFOOT: Okay. Did 14 that have -- That had, like, the 15 job-description-type stuff in there? 16 MR. COTTLE: Yeah. It had a 17 diagram and it had a job description. 18 MR. LIGHTFOOT: So he did 19 review? 20 MR. COTTLE: Yes. 21 Q. Okay. Do you remember 22 reviewing those now? 23 A. Yes.</p>

3 (Pages 9 to 12)

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<p style="text-align: right;">Page 13</p> <p>1 Q. Okay. What all else do you 2 remember that was in that packet? 3 A. I reviewed my resume. 4 Q. Okay. That's the packet 5 itself? 6 A. Yes. 7 Q. Okay. All right. That's 8 fine. I remember sending it and know what's 9 in it. 10 All right. How far did you go 11 in school, Mr. Smith? 12 A. I have an associate's degree. 13 Q. Okay. Did you graduate from 14 high school? 15 A. Yes. 16 Q. All right. Let's back up to 17 there. 18 A. Okay. 19 Q. Where did you graduate from? 20 A. Woodland High School. 21 Q. Woodland? 22 A. Uh-huh. 23 Q. Where is that?</p>	<p style="text-align: right;">Page 15</p> <p>1 A. Seven years. 2 Q. All right. Do you have any 3 schooling after the Navy? 4 A. Gadsden State Community 5 College. 6 Q. How long did you go there? 7 A. Two years. 8 Q. And got your associate's 9 degree? 10 A. Yes. 11 Q. In what? 12 A. Electronic Engineering 13 Technology. 14 Q. Say that again. Electronic 15 Engineering Technology? 16 A. Technology. 17 Q. Okay. And I've got your 18 resume. When did you get that degree? 19 A. 1999. 20 Q. All right. Let's back up to 21 the Navy. Navy for seven years. It looks 22 like it was from '88 to '95; is that 23 correct?</p>
<p style="text-align: right;">Page 14</p> <p>1 A. Woodland, Alabama. 2 Q. Where is Woodland, Alabama? 3 I'm just not familiar with it. Is it around 4 here? 5 A. It's about two hours away from 6 here. 7 Q. Okay. What's the nearest 8 biggest city? Is that a hard one to -- 9 A. Yes. Atlanta is about two 10 hours away from Woodland. 11 Q. Oh, okay. All right. On the 12 eastern part of the state? 13 A. Yes. 14 Q. Okay. All right. What year 15 did you graduated from there? 16 A. 1988. 17 Q. '88? 18 A. Uh-huh. 1988. 19 Q. Okay. All right. Then where 20 did you go after that? 21 A. United States Navy. 22 Q. All right. How long were you 23 in the Navy?</p>	<p style="text-align: right;">Page 16</p> <p>1 A. Yes. 2 Q. All right. And in the Navy, 3 you did troubleshooting and testing of 4 armament weapons systems 5 A. Yes. 6 Q. All right. At Gadsden State, 7 do you call it a degree, an associate's 8 degree in Electronic Engineering Technology? 9 A. Yes. 10 Q. All right. Associate in 11 Applied Science. Okay. And what did you 12 want to do with that degree? 13 A. Work as an electronic 14 technician. 15 Q. Okay. All right. On your 16 resume it lists -- It starts out with your 17 employment in '99 at Control Screening, then 18 goes to Keystone International, then goes to 19 General Dynamics, then goes to Volt 20 Technical Services. Did you work for all 21 those employers? 22 A. Yes. 23 Q. Okay. Did you work for any</p>

4 (Pages 13 to 16)

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<p style="text-align: right;">Page 17</p> <p>1 employers that are not listed on there?</p> <p>2 A. Before or after '99?</p> <p>3 Q. Let's see. Yeah. Did you</p> <p>4 work while you were getting your degree at</p> <p>5 Gadsden State?</p> <p>6 A. Yes.</p> <p>7 Q. Who for?</p> <p>8 A. Keystone Foods.</p> <p>9 Q. Is that different from</p> <p>10 Keystone International?</p> <p>11 A. Yes.</p> <p>12 Q. Where are they located?</p> <p>13 A. Gadsden, Alabama.</p> <p>14 Q. What did you do for them?</p> <p>15 A. Machine operator.</p> <p>16 Q. All right. How long were you</p> <p>17 there?</p> <p>18 A. Around two years.</p> <p>19 Q. All right. Did you leave</p> <p>20 voluntarily or involuntarily? Did you quit</p> <p>21 or were you fired?</p> <p>22 A. I left voluntarily.</p> <p>23 Q. You quit.</p>	<p style="text-align: right;">Page 19</p> <p>1 for them?</p> <p>2 A. Security screening.</p> <p>3 Q. How long did you do that?</p> <p>4 A. Approximately four months.</p> <p>5 Q. All right. Did you quit or</p> <p>6 were you fired?</p> <p>7 A. I quit.</p> <p>8 Q. Why did you quit?</p> <p>9 A. Found a better job at Control</p> <p>10 Screening.</p> <p>11 Q. Okay. All right. And then</p> <p>12 you -- Did you start with Control Screening</p> <p>13 somewhere around October of '99?</p> <p>14 A. Yes.</p> <p>15 Q. And you were there just a few</p> <p>16 months?</p> <p>17 A. Yes.</p> <p>18 Q. What did you do there?</p> <p>19 A. Performed periodic maintenance</p> <p>20 on X-ray equipment.</p> <p>21 Q. Is this in -- Is this aviation</p> <p>22 security as well?</p> <p>23 A. No.</p>
<p style="text-align: right;">Page 18</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Why did you quit?</p> <p>3 A. I graduated from college and</p> <p>4 moved to Dallas.</p> <p>5 Q. Okay. All right. Anywhere</p> <p>6 else that you worked during Gadsden State?</p> <p>7 A. I worked at Wendy's, fast</p> <p>8 food.</p> <p>9 Q. What did you do there?</p> <p>10 A. Food service prep.</p> <p>11 Q. Okay. All right. After</p> <p>12 college, did you go straight to Control</p> <p>13 Screening?</p> <p>14 A. No. I worked for airport</p> <p>15 security.</p> <p>16 Q. Okay. Is that for the</p> <p>17 government?</p> <p>18 A. No. That's for an independent</p> <p>19 company called Globus.</p> <p>20 Q. Globus. Where was that based</p> <p>21 out of?</p> <p>22 A. Dallas, Texas.</p> <p>23 Q. All right. What did you do</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. What kind of X-ray equipment?</p> <p>2 A. Well, yes, excuse me. I'm</p> <p>3 sorry. It's doing maintenance on X-ray</p> <p>4 equipment in airports.</p> <p>5 Q. Okay. Were these jobs where</p> <p>6 you sort of were involved with X-ray and</p> <p>7 security stuff with equipment for airports,</p> <p>8 was this using your electronic engineering</p> <p>9 technology background?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. All right. And why did</p> <p>12 you leave there?</p> <p>13 A. Got a better position at</p> <p>14 Keystone International.</p> <p>15 Q. Did you quit?</p> <p>16 A. Yes.</p> <p>17 Q. All right. Keystone is out in</p> <p>18 Dallas as well?</p> <p>19 A. Yes.</p> <p>20 Q. All right. What did you do</p> <p>21 for them?</p> <p>22 A. I did bench tech</p> <p>23 troubleshooting with IC board, integrated</p>

5 (Pages 17 to 20)

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<p style="text-align: right;">Page 21</p> <p>1 control boards, testing good or bad boards.</p> <p>2 Q. Boards for what?</p> <p>3 A. Various of equipment, ranging</p> <p>4 from routers to computers.</p> <p>5 Q. Okay. Looks like you were</p> <p>6 there about eight months, something like</p> <p>7 that?</p> <p>8 A. Yes.</p> <p>9 Q. Did you quit or were you</p> <p>10 fired?</p> <p>11 A. I quit.</p> <p>12 Q. Why did you quit?</p> <p>13 A. Got a better position with</p> <p>14 General Dynamics.</p> <p>15 Q. All right. General Dynamics,</p> <p>16 looks like you were there a year and a half?</p> <p>17 A. Yes.</p> <p>18 Q. What did you do there?</p> <p>19 A. Various job tasks involved</p> <p>20 there. I installed BTS equipment for AT&T.</p> <p>21 We upgrade AT&T and Nokia systems throughout</p> <p>22 the Northeast -- the Northwest and all the</p> <p>23 way to Miami.</p>	<p style="text-align: right;">Page 23</p> <p>1 anything about that company. And what was</p> <p>2 the reason given for your layoff?</p> <p>3 A. Recession.</p> <p>4 Q. Okay. Did you apply for</p> <p>5 unemployment?</p> <p>6 A. No.</p> <p>7 Q. Did you get another job</p> <p>8 quickly?</p> <p>9 A. Yes.</p> <p>10 Q. With Volt?</p> <p>11 A. Volt Technical Services.</p> <p>12 Q. Is that in Dallas?</p> <p>13 A. Yes.</p> <p>14 Q. What did you do for them?</p> <p>15 A. I worked with -- It's an</p> <p>16 independent contracting company, and I</p> <p>17 worked for Texas Instruments. I was a</p> <p>18 machine manufacturing specialist, installing</p> <p>19 -- installing various equipment from</p> <p>20 computer chips to make computer chips, what</p> <p>21 they call wafer fab technology.</p> <p>22 Q. Okay. Looks like you were</p> <p>23 there a couple of years -- one year.</p>
<p style="text-align: right;">Page 22</p> <p>1 Q. What is BTS?</p> <p>2 A. It's base station equipment.</p> <p>3 It's actual cell phone -- cell phone</p> <p>4 equipment. Every sales site has cell phone</p> <p>5 equipment that if you were riding in a car,</p> <p>6 that cell phone would actually pick up --</p> <p>7 the equipment will pick up the cell phone</p> <p>8 and relay it to another station.</p> <p>9 Q. All right. And did you quit</p> <p>10 or were you fired?</p> <p>11 A. Laid off.</p> <p>12 Q. Okay. How many -- Were others</p> <p>13 laid off at the same time you were?</p> <p>14 A. Yes. Two others.</p> <p>15 Q. How many employees were there</p> <p>16 at General Dynamics, approximately?</p> <p>17 A. I don't know how to answer</p> <p>18 that question.</p> <p>19 Q. Hundreds?</p> <p>20 A. Thousands.</p> <p>21 Q. Thousands. A huge employer?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. I just don't know</p>	<p style="text-align: right;">Page 24</p> <p>1 A. Uh-huh.</p> <p>2 Q. A little over?</p> <p>3 A. Uh-huh.</p> <p>4 Q. Did you quit or were you</p> <p>5 terminated?</p> <p>6 A. I quit.</p> <p>7 Q. Why did you quit?</p> <p>8 A. The relationship I had at that</p> <p>9 time, we was moving out of state. So I quit</p> <p>10 and moved out of state.</p> <p>11 Q. Where did you move to?</p> <p>12 A. I moved to Baton Rouge,</p> <p>13 Louisiana.</p> <p>14 Q. What job -- Did you take a job</p> <p>15 in Baton Rouge?</p> <p>16 A. No.</p> <p>17 Q. How long were you in Baton</p> <p>18 Rouge?</p> <p>19 A. Approximately a month and a</p> <p>20 half.</p> <p>21 Q. Where did you go after that?</p> <p>22 A. Woodland, Alabama.</p> <p>23 Q. You came back home?</p>

6 (Pages 21 to 24)

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FREEDOM COURT REPORTING

Page 25

1 A. Yes.
 2 Q. Okay. And did you still have
 3 family in Woodland?
 4 A. Yes.
 5 Q. Do you still have family in
 6 Woodland now?
 7 A. Yes.
 8 Q. Okay. Tell me what -- what
 9 family members -- What county is Woodland
 10 in?
 11 A. Randolph County.
 12 MR. LIGHTFOOT: Is that Middle
 13 District?
 14 MR. COTTLE: I believe it is.
 15 I'm not a hundred percent sure, but I
 16 believe it is.
 17 Q. Yeah. What relatives do you
 18 have that live either in Randolph County or
 19 sort of in the greater Montgomery area?
 20 What are the last names of your relatives?
 21 A. Turner.
 22 Q. Okay. Is that all?
 23 A. Wright.

Page 26

1 Q. W-R-I-G-H-T?
 2 A. Yes. Uh-huh.
 3 Q. All right. Are there any
 4 Smiths?
 5 A. Smiths.
 6 Q. Okay.
 7 A. Phillips.
 8 Q. Okay.
 9 A. Pearsons.
 10 Q. All right.
 11 A. I'm pretty sure there are
 12 more, but I can't remember. That's the
 13 immediate.
 14 Q. All right. Tell me what
 15 counties all those folks live in, like the
 16 Turners.
 17 A. Randolph County.
 18 Q. Wright?
 19 A. Randolph.
 20 Q. Smiths?
 21 A. Randolph.
 22 Q. Phillips?
 23 A. Chambers.

Page 27

1 Q. Okay. Pearson?
 2 A. Chambers.
 3 Q. Okay. Is that all you can
 4 think of right now?
 5 A. Yes.
 6 Q. All right. Where did you work
 7 when you went back to Woodland?
 8 A. I'm sorry I paused. I'm
 9 trying to think did I have a job before I
 10 went to Euro-Pro. I don't think I did. I
 11 think I went directly to Euro-Pro from
 12 there.
 13 Q. Okay. Well, did you go --
 14 When you went -- You went to Euro-Pro
 15 through a temp agency; right?
 16 A. Right.
 17 Q. Did you work at other places
 18 through the temp agency first?
 19 A. No.
 20 Q. Okay. What was the name of
 21 the temp agency?
 22 A. I can't remember.
 23 Q. Okay. When did you get back

Page 28

1 to Woodland? Was that sometime in July of
 2 '03 or August of '03?
 3 A. I don't remember the exact
 4 date, but it was in '03.
 5 Q. All right. And then you
 6 started with Euro-Pro -- with the temp
 7 agency, working for Euro-Pro, somewhere
 8 around December of '03; right?
 9 A. Right.
 10 Q. But was there a period of time
 11 where you weren't employed?
 12 A. Yes.
 13 Q. Okay. And who did you rely on
 14 to get by then?
 15 A. Family members.
 16 Q. Okay. All right. And then
 17 you started with the temp agency, and you
 18 don't remember the name of that temp agency;
 19 right?
 20 A. No.
 21 Q. But they placed you at
 22 Euro-Pro?
 23 A. Yes.

7 (Pages 25 to 28)

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FREEDOM COURT REPORTING

<p style="text-align: right;">Page 29</p> <p>1 Q. Did they place other temps at 2 Euro-Pro as well? 3 A. Yes. 4 Q. All right. And that was in 5 December of '03? 6 A. Yes. 7 (Defendant's Exhibit 1 was 8 marked for identification 9 purposes.) 10 Q. All right. And what job did 11 you start out working at Euro-Pro? 12 Actually, hang on one second. I'm sorry. 13 One second on that. 14 Down here on your resume, and 15 we'll just make this Defendant's Exhibit 1 16 to your deposition. Did you -- Where it 17 talks about your skills at the bottom of 18 that page, do you see that? 19 A. Uh-huh. Yes. 20 Q. All right. Did you have all 21 of those skills by the time you -- Actually, 22 this is your resume as of the time you came 23 to Euro-Pro; right?</p>	<p style="text-align: right;">Page 31</p> <p>1 position, starting out? 2 A. My position at starting out, I 3 don't know the exact title when I started 4 out. I was working with a temp agency. I 5 don't think I had a title. 6 Q. Okay. All right. There are 7 -- At the facility -- At Euro-Pro's facility 8 in Auburn, there's sort of two divisions, 9 right, there's the cleanability project and 10 the life cycle project; right? 11 A. Yes. 12 Q. Which project were you on? 13 A. Cleanability. 14 Q. Okay. And is that where the 15 other -- what the other temps there working 16 with you were on the cleanability project? 17 A. Yes. 18 Q. Okay. All right. And what 19 were y'all doing on the cleanability 20 project? 21 A. We would record data and get 22 data on carpet and vacuum pick up of dirt 23 out of carpet, off of carpet.</p>
<p style="text-align: right;">Page 30</p> <p>1 A. Right. 2 Q. All right. So, did you have 3 all these skills before you came to 4 Euro-Pro? 5 A. Yes. 6 Q. Okay. And tell me what 7 knowledge you had in programmable logic 8 controls. 9 A. College. 10 Q. Okay. That's something called 11 -- That's called PLC; is that right? 12 A. Right. 13 Q. All right. So at college, 14 tell me what they -- Did you have a course 15 on it or what did you know about it? 16 A. Yes. I had a semester course 17 on programmable logic control. 18 Q. And that would have been at 19 Gadsden State? 20 A. Yes. 21 Q. Okay. All right. So you were 22 telling me in December of 2003, you began 23 working at Euro-Pro. And what was your</p>	<p style="text-align: right;">Page 32</p> <p>1 Q. Okay. 2 A. Basically, that's what we did. 3 Q. Yeah. And the cleanability 4 just deals with the product of a vacuum 5 cleaner; right? 6 A. Yes. 7 Q. The other -- Life cycle dealt 8 with other types of products? 9 A. Yes. 10 Q. Okay. Were there already two 11 temporary employees working there before you 12 got there? 13 A. I'm not sure. 14 Q. Were there other temps? 15 A. Yes. 16 Q. Okay. All right. When you 17 started out, were you reporting to Ralph 18 Hudnall? 19 A. Yes. 20 Q. Okay. So, did you and the 21 other temps in cleanability report to Ralph? 22 Is that the way it was set up? 23 A. Yes.</p>

8 (Pages 29 to 32)

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FREEDOM COURT REPORTING

<p style="text-align: right;">Page 33</p> <p>1 Q. And he was the director of lab 2 testing? 3 A. I don't know if that was his 4 title. We reported to him. 5 Q. Okay. And when you first 6 started, there was only the first shift, 7 right, there was that eight-to-five shift? 8 A. Yes. 9 Q. All right. And then at some 10 point within a -- shortly after you began, 11 the company started a second shift; right? 12 A. Yes. 13 Q. And that shift went from two 14 p.m. to ten p.m.; is that correct? 15 A. I think so. I'm not sure, but 16 I think that's correct. 17 Q. Okay. And at the point that 18 they started the second shift, did they tell 19 you -- did Ralph tell you that they were 20 making you a permanent employee, or did 21 Euro-Pro tell you they were making you a 22 permanent employee? 23 A. I don't recall if it was right</p>	<p style="text-align: right;">Page 35</p> <p>1 Q. You didn't know that? Do you 2 know that now, as we sit here? 3 A. I know you told me that. I'm 4 not certain of that. 5 Q. Okay. I understand. Yeah. I 6 was asking if you knew it. Not that you 7 have to rely on me to for that. I was 8 asking you if you knew that. 9 When you started with 10 Euro-Pro, did you -- did you have meetings 11 and such with Ralph Hudnall in terms of -- 12 and Terry Robertson in terms of what was 13 expected as a Euro-Pro employee? 14 A. Yes. 15 Q. Okay. And were they clear 16 that they expected you to work during work 17 hours? 18 A. Yes. 19 Q. Okay. Did they tell you they 20 expected everybody at that facility to treat 21 each other with respect? 22 A. Yes. 23 Q. All right. Did they tell you</p>
<p style="text-align: right;">Page 34</p> <p>1 at that point. I don't know that it went 2 that fast. 3 Q. Okay. 4 A. But I think around that time I 5 was made a permanent employee. 6 Q. Okay. And do you remember 7 what you were making, compensation-wise? 8 A. I think my salary was 9 twenty-eight thousand, six hundred. 10 Q. Twenty-eight thousand, six 11 hundred? 12 A. Yes. I think. I'm not sure. 13 Q. Okay. And did you know that 14 you were being compensated higher than the 15 other employees that were temporary 16 employees? 17 A. That was temporary employees, 18 yes. 19 Q. Did you also know that you 20 were being compensated more than every 21 employee there who wasn't a management 22 employee? 23 A. No.</p>	<p style="text-align: right;">Page 36</p> <p>1 that they expected you to be a team player? 2 A. Yes. 3 Q. Did you pull your share of the 4 workload? 5 A. Yes. 6 Q. Did they tell you it was 7 important to keep the work areas clean? 8 A. Yes. 9 Q. All right. Did they tell you 10 it was also important to show initiative, to 11 not just do what's asked, but to go above 12 and beyond the call of duty? 13 A. Yes. 14 Q. And did you believe in all 15 those things anyway, from your Navy training 16 and from all your prior work experience? 17 A. Yes. 18 Q. Okay. When they made you -- 19 Did they actually sort of make you the lead 20 employee for the evening shift, where you 21 sort of were not a supervisor, but where you 22 were sort of in charge of the evening shift? 23 A. Yes.</p>

9 (Pages 33 to 36)

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 37</p> <p>1 Q. Did they call you a lead</p> <p>2 employee or was it just sort of -- did you</p> <p>3 just play that role?</p> <p>4 A. I think I just played that</p> <p>5 role.</p> <p>6 Q. Okay. And based on your prior</p> <p>7 work experience, it was appropriate for you</p> <p>8 to be the lead employee; right? I mean, did</p> <p>9 you feel like it was appropriate for you to</p> <p>10 be in that role?</p> <p>11 A. Yes.</p> <p>12 Q. And yet, you were made that</p> <p>13 sort of lead -- You played that lead</p> <p>14 employee role, and, yet, you were not the</p> <p>15 most senior, in terms of experience, of the</p> <p>16 employees that were on that evening shift;</p> <p>17 correct?</p> <p>18 A. Correct.</p> <p>19 Q. You were the least senior;</p> <p>20 right? You were the newest guy there?</p> <p>21 A. Can we go back to the next</p> <p>22 question -- the question before that?</p> <p>23 Q. Sure.</p>	<p style="text-align: right;">Page 39</p> <p>1 want to be the lead employee on the evening</p> <p>2 shift?</p> <p>3 A. That's not what I -- I thought</p> <p>4 I should have got paid more. I wasn't -- I</p> <p>5 wasn't satisfied with the amounts at the</p> <p>6 time.</p> <p>7 Q. Okay. Well, were you pleased</p> <p>8 with the increase in pay, even if it wasn't</p> <p>9 as much as you wanted?</p> <p>10 A. Was I pleased?</p> <p>11 Q. Yeah.</p> <p>12 A. Yes.</p> <p>13 Q. Okay. All right. And were</p> <p>14 you pleased to take on a position of more</p> <p>15 leadership and added responsibility?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And are you the kind of</p> <p>18 employee that likes to be challenged and to</p> <p>19 get increases in responsibility?</p> <p>20 A. Yes.</p> <p>21 Q. All right. How did you get</p> <p>22 along with Sam Hickman?</p> <p>23 A. Not well.</p>
<p style="text-align: right;">Page 38</p> <p>1 A. On the evening shift.</p> <p>2 Q. Yes.</p> <p>3 A. There was only two, if my</p> <p>4 memory serves me correctly, only two</p> <p>5 employees, and I was the only permanent</p> <p>6 employee.</p> <p>7 Q. You mean three total, you and</p> <p>8 two others, or just two, total.</p> <p>9 A. Me and another. It was two</p> <p>10 total.</p> <p>11 Q. Oh, okay.</p> <p>12 A. And I was the only permanent</p> <p>13 employee on the evening shift.</p> <p>14 Q. Okay. Did you go from -- Once</p> <p>15 they put you on the evening shift in that</p> <p>16 lead role, did you go from being an hourly</p> <p>17 employee to a salaried employee?</p> <p>18 A. Yes.</p> <p>19 Q. And were you pleased with the</p> <p>20 increase in pay and the added</p> <p>21 responsibilities?</p> <p>22 A. Not exactly.</p> <p>23 Q. Oh, all right. Did you not</p>	<p style="text-align: right;">Page 40</p> <p>1 Q. Okay. Were you -- Did you</p> <p>2 always treat him respectfully?</p> <p>3 A. Yes.</p> <p>4 Q. Was he a -- Was he an hourly</p> <p>5 employee?</p> <p>6 A. No. He was a contractor.</p> <p>7 Q. Oh, a contracted employee?</p> <p>8 A. Yes.</p> <p>9 Q. Who did he work for?</p> <p>10 A. I don't know the company.</p> <p>11 Q. Like a temp agency?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. He was a temporary</p> <p>14 employee?</p> <p>15 A. Yes.</p> <p>16 Q. Like you had been before?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Did you have an</p> <p>19 incident where there was sort of a near</p> <p>20 fight between you and him?</p> <p>21 A. I wouldn't call it a near</p> <p>22 fight. We had a disagreement.</p> <p>23 Q. An altercation?</p>

10 (Pages 37 to 40)

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 41</p> <p>1 A. A disagreement.</p> <p>2 Q. All right. And did you -- Did</p> <p>3 you -- During the disagreement, did you come</p> <p>4 up out of your chair and with heated words</p> <p>5 talk with him?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Were there other</p> <p>8 employees around when it happened?</p> <p>9 A. Yes.</p> <p>10 Q. All right. Tell me what the</p> <p>11 words were that you said to him when you</p> <p>12 came out of your chair and were -- Were you</p> <p>13 speaking with him in a raised voice?</p> <p>14 A. Yes.</p> <p>15 Q. Tell me what words you said to</p> <p>16 him, please.</p> <p>17 A. I told him don't ever</p> <p>18 disrespect my manhood.</p> <p>19 Q. What did he say that</p> <p>20 precipitated that?</p> <p>21 A. I can't recall. What did he</p> <p>22 say to cause me to say that?</p> <p>23 Q. To cause that. Yeah.</p>	<p style="text-align: right;">Page 43</p> <p>1 that?</p> <p>2 A. I don't think so. I don't</p> <p>3 remember that that word was used or if that</p> <p>4 -- even that phrase was used.</p> <p>5 Q. Okay. Did he say words to the</p> <p>6 effect of: It's inappropriate to have a</p> <p>7 disagreement like that where there's a</p> <p>8 raised voice in the workplace?</p> <p>9 A. No.</p> <p>10 Q. All right. What did he say?</p> <p>11 A. I can't recall exactly what he</p> <p>12 said.</p> <p>13 Q. All right. Was the purpose</p> <p>14 for him talking to you to tell you: We</p> <p>15 can't have anymore of this, or words to that</p> <p>16 effect?</p> <p>17 A. He asked me what had happened.</p> <p>18 Q. Okay.</p> <p>19 A. I told him what had happened.</p> <p>20 Q. All right. And then what did</p> <p>21 he say?</p> <p>22 A. I think he told me he had</p> <p>23 spoken to Sam about what he had done.</p>
<p style="text-align: right;">Page 42</p> <p>1 A. Just -- I'm not giving you</p> <p>2 exact words, but around what he said was:</p> <p>3 Why don't I be a man and say what I really</p> <p>4 thought.</p> <p>5 Q. All right. Did management</p> <p>6 learn that this disagreement had occurred?</p> <p>7 A. Yes.</p> <p>8 Q. All right. And at some point,</p> <p>9 did Ralph come and talk with you about it?</p> <p>10 A. I can't recall.</p> <p>11 Q. Was it -- Well, was it that</p> <p>12 day or was it on a day or so later when he</p> <p>13 -- or when someone came to talk to you?</p> <p>14 A. It was a day or so later, I</p> <p>15 think. I can't recall exactly.</p> <p>16 Q. Okay. And you don't remember</p> <p>17 whether it was Ralph or Terry or Chad, or do</p> <p>18 you just not recall or do you think it was</p> <p>19 Ralph?</p> <p>20 A. I remember talking to Terry.</p> <p>21 Q. You remember talking to Terry.</p> <p>22 All right. Did Terry tell you it was</p> <p>23 unacceptable to have disagreements like</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. He had spoken with Sam as</p> <p>2 well?</p> <p>3 A. Right.</p> <p>4 Q. All right. And then what did</p> <p>5 he say?</p> <p>6 A. He said Sam was lucky to have</p> <p>7 a job.</p> <p>8 Q. Okay. Did he tell you words</p> <p>9 to the effect: We can't have that anymore?</p> <p>10 Or that that's not acceptable conduct in the</p> <p>11 workplace?</p> <p>12 A. No.</p> <p>13 Q. Nothing like that?</p> <p>14 A. No.</p> <p>15 Q. Did Ralph ever tell you words</p> <p>16 to that effect?</p> <p>17 A. No.</p> <p>18 Q. The Euro-Pro rules were that</p> <p>19 you could not use the phone for personal</p> <p>20 calls, except in emergencies and during your</p> <p>21 break times; correct?</p> <p>22 A. I don't understand what you're</p> <p>23 saying.</p>

11 (Pages 41 to 44)

FREEDOM COURT REPORTING

Page 45	Page 47
<p>1 Q. Okay. Did Euro-Pro have a --</p> <p>2 have rules that you can -- employees are</p> <p>3 only supposed to use the telephone for</p> <p>4 personal reasons during emergencies or</p> <p>5 during your break time, otherwise if you're</p> <p>6 using the phone it needs to be for business</p> <p>7 rules?</p> <p>8 A. I never heard of that rule.</p> <p>9 Q. Okay. You recall a meeting</p> <p>10 where Terry Robertson met with all employees</p> <p>11 and spoke about those kinds of rules with</p> <p>12 all of the employees?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Did Terry say that he</p> <p>15 had understood that there was too much</p> <p>16 nonbusiness activity going on during</p> <p>17 business hours?</p> <p>18 A. Yes.</p> <p>19 Q. Did he say that people were</p> <p>20 abusing the phone, or words to that effect,</p> <p>21 were using the phone too much?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And then what did he</p>	<p>1 Q. I understand.</p> <p>2 A. The Internet, at that time,</p> <p>3 was the main issue.</p> <p>4 Q. I understand.</p> <p>5 A. And that's what I focused on.</p> <p>6 Q. Sure. You had dealings with</p> <p>7 -- Well, scratch that.</p> <p>8 Ralph Hudnall, was -- was he</p> <p>9 always your supervisor? Let's see. Let me</p> <p>10 ask that. Was he always your supervisor?</p> <p>11 A. As far as I can remember, yes.</p> <p>12 Q. Okay. And then Terry was</p> <p>13 above him, correct, Terry Robertson?</p> <p>14 A. I think it was Chad Reese and</p> <p>15 Terry Robertson.</p> <p>16 Q. And then Terry. Okay. Did</p> <p>17 all three of those men always treat you with</p> <p>18 respect?</p> <p>19 A. Sometime.</p> <p>20 Q. Well, I mean --</p> <p>21 A. Not always.</p> <p>22 Q. I want to know if they always</p> <p>23 treated you, in the workplace, with respect?</p>
Page 46	Page 48
<p>1 say -- Did he say, you know: From now on,</p> <p>2 that you can only use the phone for</p> <p>3 emergency reasons or for -- or if you're on</p> <p>4 your break time?</p> <p>5 A. I don't recall him saying</p> <p>6 that.</p> <p>7 Q. Okay. Well, then, what did he</p> <p>8 set down as the ground rules going forward,</p> <p>9 that you recall?</p> <p>10 A. If I recall that, it was also</p> <p>11 the Internet and the phone. And he was</p> <p>12 telling everybody that people are using the</p> <p>13 Internet too much and the phone too much.</p> <p>14 Q. During business time?</p> <p>15 A. Yes. We were not allowed at</p> <p>16 that time to use the Internet, unless it was</p> <p>17 business purposes.</p> <p>18 Q. And the same thing with the</p> <p>19 phone?</p> <p>20 A. The phone, I don't remember</p> <p>21 the phone because it wasn't the main issue.</p> <p>22 He could have said that, but I don't</p> <p>23 remember.</p>	<p>1 A. No.</p> <p>2 Q. Okay. Terry Robertson, were</p> <p>3 there times that he did not treat you with</p> <p>4 respect?</p> <p>5 A. There was -- No.</p> <p>6 Q. Okay. Was there ever a time</p> <p>7 that Ralph Hudnall did not treat you with</p> <p>8 respect?</p> <p>9 A. Rephrase that question,</p> <p>10 please.</p> <p>11 Q. Sure. Was there ever a time</p> <p>12 that Ralph Hudnall did not treat you with</p> <p>13 respect?</p> <p>14 A. Yes.</p> <p>15 Q. When did Ralph Hudnall not</p> <p>16 treat you with respect?</p> <p>17 A. There was a time I thought he</p> <p>18 was making inappropriate jokes or</p> <p>19 inappropriate comments about something he</p> <p>20 saw on TV.</p> <p>21 Q. All right. When was that?</p> <p>22 A. I can't give you the exact</p> <p>23 time or exact date. I don't remember the</p>

12 (Pages 45 to 48)

FREEDOM COURT REPORTING

Page 49	Page 51
<p>1 exact date.</p> <p>2 Q. Okay. You were only there a</p> <p>3 year, so it would have been -- and you</p> <p>4 started in December of '03, so would it have</p> <p>5 been sometime in 2004?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Are you able to say</p> <p>8 summertime? Did it happen on one occasion?</p> <p>9 A. It happened more than one</p> <p>10 occasion.</p> <p>11 Q. Okay. How many occasions?</p> <p>12 A. Approximately four or five.</p> <p>13 Q. All right. When -- And you</p> <p>14 can't tell me when any of those four or five</p> <p>15 were?</p> <p>16 A. Exactly no. Exact time, no.</p> <p>17 Q. And you can't even give me a</p> <p>18 ballpark; is that right?</p> <p>19 A. No.</p> <p>20 Q. What were the inappropriate</p> <p>21 jokes that you thought he said or he laughed</p> <p>22 about or whatever?</p> <p>23 A. He would make inappropriate</p>	<p>1 A. Not as I recall.</p> <p>2 Q. You don't recall any other</p> <p>3 employee ever talking about the Dave</p> <p>4 Chappelle Show?</p> <p>5 A. I don't recall that anybody</p> <p>6 has ever -- other employees come to me about</p> <p>7 the Dave Chappelle show.</p> <p>8 Q. Did you hear Ashley Sheffield</p> <p>9 ever talk about the Dave Chappelle Show?</p> <p>10 A. Not as I recall.</p> <p>11 Q. Okay. You don't recall</p> <p>12 anybody else talking about it?</p> <p>13 A. No.</p> <p>14 Q. Okay. Tell me, if you can,</p> <p>15 any of these four or five incidents, what</p> <p>16 the substance of it was.</p> <p>17 A. There was one I can remember</p> <p>18 he was doing -- Dave Chappelle was blind and</p> <p>19 he thought he was white and he was black.</p> <p>20 And when he found out that he was white, he</p> <p>21 divorced his white wife. And they asked him</p> <p>22 why he divorced his white wife. He said:</p> <p>23 Because she's a nigger lover. And he</p>
Page 50	Page 52
<p>1 comments about a Dave Chappelle episode</p> <p>2 that, really, I felt like it was</p> <p>3 inappropriate for him to make that towards</p> <p>4 me because there were racial jokes that</p> <p>5 David Chappelle would make and he would</p> <p>6 repeat those racial jokes to me.</p> <p>7 Q. Okay. So, on these four or</p> <p>8 five occasions, were they all approximately</p> <p>9 the same, I mean, it's the same type stuff?</p> <p>10 A. The same type thing. The same</p> <p>11 type stuff.</p> <p>12 Q. Okay. And did you watch the</p> <p>13 Dave Chappelle Show?</p> <p>14 A. Yes.</p> <p>15 Q. Did he watch the Dave</p> <p>16 Chappelle Show?</p> <p>17 A. Yes.</p> <p>18 Q. Is that something that y'all</p> <p>19 talked about on occasion?</p> <p>20 A. That's something that he had</p> <p>21 brought up on occasion.</p> <p>22 Q. Did other employees talk about</p> <p>23 the Dave Chappelle show as well?</p>	<p>1 actually repeated that scene and I didn't</p> <p>2 think that was funny.</p> <p>3 Q. Okay. He didn't use the "N"</p> <p>4 word, did he?</p> <p>5 A. Yes.</p> <p>6 Q. Did Dave Chappelle use the "N"</p> <p>7 word as well?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. All right. You didn't</p> <p>10 complain to anybody about that, did you?</p> <p>11 A. I think I talked to Ashley</p> <p>12 about it once or twice, that I didn't think</p> <p>13 that he should be making comments like that.</p> <p>14 Q. Okay. But you didn't talk to</p> <p>15 anybody -- You didn't complain to anybody in</p> <p>16 management about that?</p> <p>17 A. No.</p> <p>18 Q. You just mentioned -- You say</p> <p>19 you may have talked to Ashley about it?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Is that the only person</p> <p>22 you would have mentioned it to?</p> <p>23 A. I think so. She was -- We</p>

13 (Pages 49 to 52)

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 53</p> <p>1 talked. I think that's the only person I</p> <p>2 mentioned it to.</p> <p>3 Q. And you didn't tell Ralph you</p> <p>4 were offended by it, did you?</p> <p>5 A. No.</p> <p>6 Q. And you didn't tell Ralph to</p> <p>7 stop saying it, did you?</p> <p>8 A. No.</p> <p>9 Q. Did you laugh? I mean, did</p> <p>10 you kind of talk along with him?</p> <p>11 A. I think I mentioned I saw the</p> <p>12 scene, yes.</p> <p>13 Q. Did you tell him you thought</p> <p>14 it was funny, too?</p> <p>15 A. No.</p> <p>16 Q. Did he say he thought it was</p> <p>17 funny?</p> <p>18 A. I mean, yes.</p> <p>19 Q. And did you say you thought it</p> <p>20 was funny, too, you'd seen it?</p> <p>21 A. I told him I saw it. I didn't</p> <p>22 think it was funny.</p> <p>23 Q. Okay. Did you think some of</p>	<p style="text-align: right;">Page 55</p> <p>1 A. Not at this time, no.</p> <p>2 Q. Okay. Take your time and</p> <p>3 think about it. If there's any -- I mean,</p> <p>4 we've got all day. If there's anything else</p> <p>5 that you think he said that -- from the Dave</p> <p>6 Chappelle show that you thought wasn't</p> <p>7 funny, whether you complained or not.</p> <p>8 To be clear, I'm not</p> <p>9 interested in what the Dave Chappelle Show,</p> <p>10 if Ralph -- if you're saying Ralph Hudnall</p> <p>11 said something from that show.</p> <p>12 A. I can't recall anything else</p> <p>13 at this time.</p> <p>14 Q. Okay. So, that's the only</p> <p>15 specific you recall that Ralph ever said to</p> <p>16 you about the Dave Chappelle Show?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Who was -- Who was</p> <p>19 around when Ralph -- you say Ralph made this</p> <p>20 one statement to you about a blind man?</p> <p>21 A. Nobody.</p> <p>22 Q. Where were y'all standing?</p> <p>23 A. In a life test area.</p>
<p style="text-align: right;">Page 54</p> <p>1 Dave Chappelle's stuff was funny?</p> <p>2 A. Some of it.</p> <p>3 Q. Did you think that some of</p> <p>4 Dave Chappelle's stuff was funny and okay,</p> <p>5 and some of it was not funny and over the</p> <p>6 line, is that kind of --</p> <p>7 A. Some of it's over the line.</p> <p>8 Q. Is that your general</p> <p>9 impression of Dave Chappelle?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. A lot of other people</p> <p>12 feel that way too, right, that some of it's</p> <p>13 okay and some of it's over the line?</p> <p>14 A. I imagine so.</p> <p>15 Q. I mean, you've talked to</p> <p>16 people that feel the same way you do; right?</p> <p>17 A. Yes.</p> <p>18 Q. All right. So you remember</p> <p>19 that one time where he talked -- you say he</p> <p>20 talked about that there was a -- Well, you</p> <p>21 told me the story about a blind man. All</p> <p>22 right. Can you remember any other stories</p> <p>23 that you say y'all talked about?</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. How did the conversation</p> <p>2 start?</p> <p>3 A. Exactly, I think he said:</p> <p>4 Have you -- Do you -- Have you ever saw the</p> <p>5 Dave Chappelle Show? And I said: Yeah. I</p> <p>6 saw it before. He said: Do you remember</p> <p>7 the scene about him being blind and black in</p> <p>8 the Ku Klux Klan rally? I said: Yeah, I</p> <p>9 saw it. And from there, the conversation</p> <p>10 went on to that, the phrase I gave you</p> <p>11 earlier.</p> <p>12 Q. Did you actually raise the</p> <p>13 issue of the Dave Chappelle Show on the</p> <p>14 first occasion to Ralph?</p> <p>15 A. No.</p> <p>16 Q. You've told me that you</p> <p>17 thought it wasn't funny, but you weren't</p> <p>18 offended, were you?</p> <p>19 A. I was offended by the word.</p> <p>20 Q. By the "N" word?</p> <p>21 A. Yes.</p> <p>22 Q. Not by the rest of it?</p> <p>23 A. I was offended by him saying</p>

14 (Pages 53 to 56)

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FREEDOM COURT REPORTING

<p style="text-align: right;">Page 57</p> <p>1 the "N" word, nigger.</p> <p>2 Q. Right. But not by the rest of</p> <p>3 the -- not by the recounting the rest of the</p> <p>4 Dave Chappelle skit; right? Do you see what</p> <p>5 I'm saying?</p> <p>6 A. I don't understand what you're</p> <p>7 saying.</p> <p>8 Q. I hear you saying that you</p> <p>9 were offended by him saying the "N" word,</p> <p>10 but you weren't offended by him relating to</p> <p>11 you the rest of the skit, were you?</p> <p>12 A. I was offended by the whole</p> <p>13 situation of the racial comments, I meant</p> <p>14 even the whole skit of the Dave Chappelle</p> <p>15 Show.</p> <p>16 Q. But not offended enough to</p> <p>17 complain to anybody; right?</p> <p>18 A. I talked to a friend about it.</p> <p>19 Q. Who is the friend?</p> <p>20 A. Ashley Sheffield.</p> <p>21 Q. Okay. And you told me about</p> <p>22 that?</p> <p>23 A. Yes.</p>	<p style="text-align: right;">Page 59</p> <p>1 Q. Do you have any reason to</p> <p>2 believe that Terry Robertson or Ralph</p> <p>3 Hudnall or Chad Reese was racist in any way?</p> <p>4 A. Before I was fired, I believed</p> <p>5 that, I believe that that's what that was</p> <p>6 going to, that I was going to be</p> <p>7 discriminated against.</p> <p>8 Q. Yeah. All right. That's not</p> <p>9 my question. And we'll get to that. My</p> <p>10 question is, do you have any reason to</p> <p>11 believe that Terry Robertson, Ralph Hudnall</p> <p>12 or Chad Reese were racist in any way?</p> <p>13 A. I've never heard -- I never</p> <p>14 heard Terry Robertson or Chad Reese make a</p> <p>15 racial comment.</p> <p>16 Q. Have you ever heard Ralph</p> <p>17 Hudnall make a racist comment?</p> <p>18 A. I've heard Ralph Hudnall make</p> <p>19 a racist comment as far as the Dave</p> <p>20 Chappelle Show.</p> <p>21 Q. Oh, the one you've already</p> <p>22 told me about?</p> <p>23 A. Yes.</p>
<p style="text-align: right;">Page 58</p> <p>1 Q. What did you tell Ashley?</p> <p>2 A. That I didn't think Ralph</p> <p>3 Hudnall should be making comments like that.</p> <p>4 It was inappropriate in the workplace.</p> <p>5 Q. And you certainly knew that</p> <p>6 you could talk to Terry Robertson if</p> <p>7 something Ralph had done had offended you or</p> <p>8 bothered you and you wanted it to stop;</p> <p>9 right?</p> <p>10 A. I knew that he was available.</p> <p>11 Q. Did Terry -- Was Terry a good</p> <p>12 boss, in terms of being open door,</p> <p>13 available, if you had something that you</p> <p>14 needed to talk about, when he was in town?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. All right. Any other</p> <p>17 time that Ralph Hudnall did not treat you</p> <p>18 with respect throughout your whole</p> <p>19 employment?</p> <p>20 A. I can't recall right now.</p> <p>21 Q. Okay. Did Chad Reese always</p> <p>22 treat you with respect?</p> <p>23 A. Yes.</p>	<p style="text-align: right;">Page 60</p> <p>1 Q. Okay. But other than that,</p> <p>2 have you ever heard him making a racist</p> <p>3 statement in any way?</p> <p>4 A. To anybody? No.</p> <p>5 Q. To anybody. Have you ever</p> <p>6 heard of him making a racist statement to</p> <p>7 anybody about anything?</p> <p>8 A. No.</p> <p>9 Q. One night when you were</p> <p>10 working on the evening shift at 9:30 on a</p> <p>11 Friday night, approximately, did you call</p> <p>12 Ashley Sheffield at home?</p> <p>13 A. Yes.</p> <p>14 Q. And you just called her for</p> <p>15 personal reasons; right? I mean, you didn't</p> <p>16 have a business reason for calling her;</p> <p>17 correct?</p> <p>18 A. Correct.</p> <p>19 Q. And did you just ask her what</p> <p>20 she was up to that weekend, things like</p> <p>21 that?</p> <p>22 A. Yes. I was on my break and I</p> <p>23 made a phone call to her.</p>

15 (Pages 57 to 60)

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 61</p> <p>1 Q. What time was your break?</p> <p>2 A. I don't think it was a</p> <p>3 scheduled break. We had breaks -- I don't</p> <p>4 know the exact -- what -- how many breaks we</p> <p>5 had or whatever, but I think we had one and</p> <p>6 then we had a lunch and then we went home.</p> <p>7 So there was no set scheduled time for a</p> <p>8 break.</p> <p>9 Q. When you called her, it was</p> <p>10 after the time that Terry had had the</p> <p>11 conversation with all the employees about</p> <p>12 the Internet use and the telephone use;</p> <p>13 correct?</p> <p>14 A. I was on my break, correct.</p> <p>15 Q. And after you called her and</p> <p>16 spoke with her -- Was that a short</p> <p>17 conversation?</p> <p>18 A. Yes.</p> <p>19 Q. Five minutes, maybe?</p> <p>20 A. Approximately.</p> <p>21 Q. Okay. After that time, did</p> <p>22 you try to call her again that night?</p> <p>23 A. Yes.</p>	<p style="text-align: right;">Page 63</p> <p>1 What is your preference? Do you date black</p> <p>2 men, white men or whatever?</p> <p>3 Q. Okay. Did you also ask the</p> <p>4 same or similar question to Ashley Sheffield</p> <p>5 on one occasion about: Would you date a</p> <p>6 black man, or words to that effect?</p> <p>7 A. No.</p> <p>8 Q. You didn't ever do that to</p> <p>9 Ashley Sheffield?</p> <p>10 A. No. Ashley Sheffield already</p> <p>11 had a boyfriend. Why would I ask her that?</p> <p>12 Q. All right. At some point</p> <p>13 after you had made the statement to Allison</p> <p>14 you just told me about and after you had</p> <p>15 called Ashley, did Chad Reese and Ralph</p> <p>16 Hudnall tell you they wanted to speak with</p> <p>17 you?</p> <p>18 A. Yes.</p> <p>19 Q. Did they explain to you that</p> <p>20 you need to be careful about the types of</p> <p>21 things you say in the workplace about dating</p> <p>22 and things of that nature?</p> <p>23 A. No. They did not tell me</p>
<p style="text-align: right;">Page 62</p> <p>1 Q. And she didn't answer; right?</p> <p>2 A. Right.</p> <p>3 Q. How many times did you call</p> <p>4 her again?</p> <p>5 A. That night?</p> <p>6 Q. Yeah.</p> <p>7 A. I think that was -- Twice was</p> <p>8 the only time, I think. I'm not sure, but</p> <p>9 I'm sure it was only twice.</p> <p>10 Q. Twice after the time you</p> <p>11 talked to her?</p> <p>12 A. No. Once after the time.</p> <p>13 Q. Once after, twice total.</p> <p>14 Okay. Did you have a conversation with</p> <p>15 Allison, another employee, at one point</p> <p>16 around that time period where you talked</p> <p>17 about dating issues?</p> <p>18 A. Yes.</p> <p>19 Q. All right. Did you ask her if</p> <p>20 she would be -- Tell me what you asked her</p> <p>21 about dating issues.</p> <p>22 A. Allison asked me did I know of</p> <p>23 anybody, any friends. And I asked Allison:</p>	<p style="text-align: right;">Page 64</p> <p>1 that.</p> <p>2 Q. All right. Did they tell you</p> <p>3 that you needed to be careful about not</p> <p>4 saying something that could be offensive to</p> <p>5 a coworker?</p> <p>6 A. No, they did not tell me that</p> <p>7 neither.</p> <p>8 Q. Okay. Did they tell you you</p> <p>9 shouldn't be using the phone during business</p> <p>10 hours?</p> <p>11 A. And I explained to them I was</p> <p>12 on my break.</p> <p>13 Q. I'm asking you, did they tell</p> <p>14 you that you shouldn't be using the phone</p> <p>15 during business hours?</p> <p>16 A. Yes.</p> <p>17 Q. All right. Is it also your</p> <p>18 testimony that he didn't say anything to you</p> <p>19 about the appropriateness or not about your</p> <p>20 either phone call or conversations with the</p> <p>21 coworker women?</p> <p>22 A. Yes. They told me about the</p> <p>23 conversation with Ashley.</p>

16 (Pages 61 to 64)

FREEDOM COURT REPORTING

Page 65	Page 67
<p>1 Q. Okay. What did they say?</p> <p>2 A. They told me when I went to</p> <p>3 the office that Ashley had talked to Ralph.</p> <p>4 And they talked to me that Ashley had talked</p> <p>5 to Ralph that I had called her.</p> <p>6 And I asked them, I said: Why</p> <p>7 is that a problem? And if I remember</p> <p>8 correctly, they said that Ashley said she</p> <p>9 didn't think it was appropriate for me to</p> <p>10 call her by me being a supervisor in the</p> <p>11 cleanability area. It just -- We shouldn't</p> <p>12 talk like that.</p> <p>13 Q. Did you tell them that you</p> <p>14 hadn't intended to be offensive?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And did they just say:</p> <p>17 Just don't let it happen again, or words to</p> <p>18 that effect?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. And was that the end of</p> <p>21 it, in terms of did it ever even come up</p> <p>22 again?</p> <p>23 A. Terry Robertson talked to me</p>	<p>1 begin with.</p> <p>2 Q. Okay. And after that meeting</p> <p>3 with Terry, did it ever come up again?</p> <p>4 A. No.</p> <p>5 Q. At all, during your</p> <p>6 employment?</p> <p>7 A. No.</p> <p>8 Q. Did the second shift at</p> <p>9 Euro-Pro end after a few months?</p> <p>10 A. Actually, it ended probably</p> <p>11 about a -- approximately a week after I</p> <p>12 talked to Terry about that incident.</p> <p>13 Q. Okay. At that point, did the</p> <p>14 company offer for you to go into life cycle</p> <p>15 testing?</p> <p>16 A. It was not an offer. It was</p> <p>17 that: We're going to put you in the life</p> <p>18 cycle test area.</p> <p>19 Q. All right. And this was in</p> <p>20 April of '04?</p> <p>21 A. I think, correct.</p> <p>22 Q. This was basically testing of</p> <p>23 all the other products and how they would</p>
Page 66	Page 68
<p>1 when he came back about it.</p> <p>2 Q. Around this same time period?</p> <p>3 A. I think it was like a couple</p> <p>4 of weeks. I don't know what the schedule</p> <p>5 was. I think it was like a week or two</p> <p>6 after he came back.</p> <p>7 Q. Okay. So, Chad and Ralph met</p> <p>8 with you when Terry was out of town?</p> <p>9 A. Yes.</p> <p>10 Q. All right. And they told you,</p> <p>11 basically, just don't do it again, or words</p> <p>12 to that effect. And then Terry met with</p> <p>13 you, whenever he got back in town, and then</p> <p>14 tell me what was said in that conversation,</p> <p>15 same type thing?</p> <p>16 A. Exactly what Terry say, I</p> <p>17 can't recall. He said he heard about what</p> <p>18 had happened. And I don't -- I think he</p> <p>19 told me to be careful.</p> <p>20 Q. And did you assure him that</p> <p>21 you would?</p> <p>22 A. I explained to him what the</p> <p>23 situation was, and that it wasn't nothing to</p>	<p>1 last on the market, their reliability?</p> <p>2 A. Yes.</p> <p>3 Q. And were you excited about the</p> <p>4 opportunity?</p> <p>5 A. I was excited, yes.</p> <p>6 Q. And based on your skill set</p> <p>7 and your past experience, was it something</p> <p>8 -- was it a challenge that you wanted to</p> <p>9 take on?</p> <p>10 A. In the beginning.</p> <p>11 Q. And did you understand it as</p> <p>12 an opportunity to grow and advance in the</p> <p>13 company?</p> <p>14 A. Yes.</p> <p>15 Q. And didn't you, in fact, learn</p> <p>16 that Ralph Hudnall had sort of gotten his</p> <p>17 start before he made supervisor doing a</p> <p>18 similar type thing?</p> <p>19 A. I don't know.</p> <p>20 Q. You don't recall that?</p> <p>21 A. No.</p> <p>22 Q. Did you view it as a promotion</p> <p>23 of sorts?</p>

17 (Pages 65 to 68)

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FREEDOM COURT REPORTING

Page 69	Page 71
<p>1 A. No.</p> <p>2 Q. You did not?</p> <p>3 A. No.</p> <p>4 Q. Why not?</p> <p>5 A. There was no more money, there</p> <p>6 wasn't a raise, it wasn't a promotion.</p> <p>7 Q. That position was not offered</p> <p>8 to anybody else, was it?</p> <p>9 A. I don't know.</p> <p>10 Q. As far as you know, it wasn't;</p> <p>11 correct?</p> <p>12 A. Correct.</p> <p>13 Q. All right. And you were given</p> <p>14 a position description or a job description;</p> <p>15 correct?</p> <p>16 A. Correct.</p> <p>17 (Defendant's Exhibit 2 was</p> <p>18 marked for identification</p> <p>19 purposes.)</p> <p>20 Q. All right. I'll show you what</p> <p>21 I'm marking as Defendant's Exhibit 2. Why</p> <p>22 don't you just -- You can put those up, if</p> <p>23 you don't mind. Thanks. Because I'm just</p>	<p>1 A. If my memory serves me</p> <p>2 correctly, it was only once.</p> <p>3 Q. Okay. All right. And would</p> <p>4 that have been where you expressed</p> <p>5 excitement in the new opportunity?</p> <p>6 A. When -- Yes.</p> <p>7 Q. Okay. And can you remember</p> <p>8 the specifics of what they talked about in</p> <p>9 that meeting?</p> <p>10 A. Specifically, Terry Robertson</p> <p>11 said that he need to get the life test</p> <p>12 system up and going. And they was going to</p> <p>13 move me from cleanability area into the life</p> <p>14 test system, to get it up and running.</p> <p>15 Q. Okay.</p> <p>16 A. And that's what I can recall</p> <p>17 specifically.</p> <p>18 Q. Okay. Do you remember Ralph</p> <p>19 adding anything to that discussion?</p> <p>20 A. I don't remember.</p> <p>21 Q. Okay. Did you have a -- Did</p> <p>22 you sit down with Ralph and Terry and walk</p> <p>23 through the job description? I'll ask that</p>
Page 70	Page 72
<p>1 going to -- It's the same stuff, though.</p> <p>2 MR. LIGHTFOOT: Do you need</p> <p>3 this, John?</p> <p>4 MR. COTTLE: It's the same</p> <p>5 thing in here?</p> <p>6 MR. LIGHTFOOT: It's the same</p> <p>7 stuff you've got.</p> <p>8 MR. COTTLE: Okay.</p> <p>9 Q. All right. Was this the</p> <p>10 position description that was given to you?</p> <p>11 A. Yes.</p> <p>12 Q. All right. And who talked</p> <p>13 with you on the front end about this new</p> <p>14 opportunity for you? Was it --</p> <p>15 A. Can you rephrase that?</p> <p>16 Q. Sure. Well, did Terry and</p> <p>17 Ralph and Chad talk with you about this new</p> <p>18 opportunity? I know Ralph did, I just want</p> <p>19 to know who all talked with you about this?</p> <p>20 A. Ralph and Terry.</p> <p>21 Q. Ralph and Terry. Okay. And</p> <p>22 how many times did they talk with you before</p> <p>23 you began it, before you started doing it?</p>	<p>1 first.</p> <p>2 A. I remember seeing this. I</p> <p>3 don't remember that we sat down and walked</p> <p>4 through it.</p> <p>5 Q. Okay. Would that have been in</p> <p>6 the first meeting with Ralph and Terry or in</p> <p>7 a subsequent meeting with Ralph?</p> <p>8 A. I don't remember. I think</p> <p>9 this was after that meeting. I don't</p> <p>10 remember.</p> <p>11 Q. Okay. So, this would have</p> <p>12 probably been with just Ralph?</p> <p>13 A. I think. I don't recall</p> <p>14 actually when it happened or who I talked</p> <p>15 to.</p> <p>16 Q. Okay. And when Ralph or</p> <p>17 Terry, whoever was walking through this with</p> <p>18 you, did they sort of walk through these</p> <p>19 five main areas of responsibilities?</p> <p>20 MR. COTTLE: Object to the</p> <p>21 form. I think he said no one had walked</p> <p>22 through it with him.</p> <p>23 Q. Did Ralph discuss these five</p>

18 (Pages 69 to 72)

FREEDOM COURT REPORTING

Page 73	Page 75
<p>1 areas with you?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Did you ask any</p> <p>4 questions about it?</p> <p>5 A. I think we talked about it. I</p> <p>6 don't remember asking any questions, but we</p> <p>7 did -- I think we did discuss it.</p> <p>8 Q. Okay. Did Ralph or Terry say</p> <p>9 words to you to the effect of -- in one of</p> <p>10 these initial meetings that they wanted you</p> <p>11 to take the life cycle testing to the next</p> <p>12 level?</p> <p>13 A. Yes.</p> <p>14 Q. And you felt, based on your</p> <p>15 skills and experience, that that was</p> <p>16 something that you could do; correct?</p> <p>17 A. Yes.</p> <p>18 Q. They also told you that if you</p> <p>19 need any help doing your job, you should</p> <p>20 rely on Ralph primarily as your supervisor;</p> <p>21 correct?</p> <p>22 A. Yes.</p> <p>23 Q. And Chad Reese and Andras were</p>	<p>1 Q. All right. When was it that</p> <p>2 he was available, what one day?</p> <p>3 A. The project began --</p> <p>4 Q. -- in May; right?</p> <p>5 A. Right.</p> <p>6 Q. Okay. Was it somewhere in the</p> <p>7 start?</p> <p>8 A. He was beginning -- He was</p> <p>9 available from the start, in May. And the</p> <p>10 next day I came to work, he was not</p> <p>11 available. And he expressed that Ralph had</p> <p>12 told him that I was to do it by myself.</p> <p>13 Q. Okay. From those first</p> <p>14 meetings that you had with Ralph and Terry,</p> <p>15 was it clear to you that the life cycle</p> <p>16 testing was important to Euro-Pro?</p> <p>17 A. Yes.</p> <p>18 Q. Was it also clear to you that</p> <p>19 they wanted you to succeed in that role?</p> <p>20 A. Yes.</p> <p>21 Q. And wasn't that the reason why</p> <p>22 they said: We want to make these three</p> <p>23 folks available to you? Was that part of</p>
Page 74	Page 76
<p>1 also available to help you; correct?</p> <p>2 A. Ralph and Chad Reese was</p> <p>3 available. Andras, he was available in the</p> <p>4 beginning, but he became not available, for</p> <p>5 one day.</p> <p>6 Q. Okay. Let me try to break</p> <p>7 that down a little bit. You say Ralph and</p> <p>8 Chad were always available?</p> <p>9 A. Ralph and Chad was available.</p> <p>10 Q. Okay. You say --</p> <p>11 A. Andras was not always</p> <p>12 available.</p> <p>13 Q. Okay. Did Andras work there?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. How was he unavailable?</p> <p>16 A. In the beginning of the</p> <p>17 project that I was working on, doing --</p> <p>18 building life tests, Andras became available</p> <p>19 for me for one day. And I expressed the</p> <p>20 fact that on this project, I needed an</p> <p>21 engineer on this project with me. For one</p> <p>22 day, Andras became available. The next day</p> <p>23 he was not available.</p>	<p>1 why you say that?</p> <p>2 A. There was two people available</p> <p>3 for me. Andras was not available for me.</p> <p>4 Q. Okay. Now, you sought the</p> <p>5 help of Brian McGee a lot during the life</p> <p>6 cycle testing, didn't you?</p> <p>7 A. If you want to call it a lot.</p> <p>8 Sometimes.</p> <p>9 Q. Well, on a weekly basis, you</p> <p>10 did, didn't you?</p> <p>11 A. No.</p> <p>12 Q. Well, he was regularly</p> <p>13 available to you; correct?</p> <p>14 A. No.</p> <p>15 Q. All right. How was he not</p> <p>16 available?</p> <p>17 A. He was working on another</p> <p>18 project. I didn't -- He wasn't available to</p> <p>19 work on a project with me. He wasn't</p> <p>20 regularly available.</p> <p>21 Q. Okay. But he helped you on</p> <p>22 several occasions, didn't he?</p> <p>23 A. On some occasions, yes.</p>

19 (Pages 73 to 76)

FREEDOM COURT REPORTING

Page 77	Page 79
<p>1 Q. And he's an engineer; right?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Now, in terms of</p> <p>4 getting set up to do your new job, it was</p> <p>5 what was called a lab technician, wasn't it?</p> <p>6 A. Yes.</p> <p>7 Q. The first -- Let's see.</p> <p>8 Sometime within a month of your starting,</p> <p>9 the largest project that you were assigned</p> <p>10 was the steam cleaner life cycle testing;</p> <p>11 correct?</p> <p>12 A. Correct.</p> <p>13 Q. When you first started on</p> <p>14 that, you had several meetings with Ralph</p> <p>15 and Chad to get you started; correct?</p> <p>16 A. Correct.</p> <p>17 Q. All right. And, let's see,</p> <p>18 was it at one of the earlier meetings when</p> <p>19 the group of you put together the diagram?</p> <p>20 A. I think it was, like, a week</p> <p>21 after when Chad came up with that sketch.</p> <p>22 Q. Okay. So, you knew that --</p> <p>23 Well, you knew actually going in that</p>	<p>1 Q. And then y'all have a</p> <p>2 technology that reduces it to a piece of</p> <p>3 paper; right?</p> <p>4 A. Correct.</p> <p>5 Q. Okay. And what y'all do is,</p> <p>6 it looks like y'all sort of went through and</p> <p>7 set up the various stages that would need to</p> <p>8 be accomplished to complete the project; is</p> <p>9 that what it was?</p> <p>10 A. Correct.</p> <p>11 Q. Okay. And y'all agreed that</p> <p>12 these were the appropriate stages; correct?</p> <p>13 A. Correct.</p> <p>14 (Defendant's Exhibit 3 was</p> <p>15 marked for identification</p> <p>16 purposes.)</p> <p>17 Q. All right. I'll go ahead and</p> <p>18 just let you -- You can see it from a</p> <p>19 distance. I'll mark this as Defendant's</p> <p>20 Exhibit 3. That's the sketch we're talking</p> <p>21 about; correct?</p> <p>22 A. Correct.</p> <p>23 Q. Okay. And y'all all agreed on</p>
Page 78	Page 80
<p>1 building and installing the automated steam</p> <p>2 cleaner fixture was going to be a big part</p> <p>3 of your job; correct? You'll see it listed</p> <p>4 there about three-fourths of the way down.</p> <p>5 A. Yes.</p> <p>6 Q. Okay. So you said it was,</p> <p>7 what, maybe early on -- I can't remember</p> <p>8 what you said, maybe a couple of meetings</p> <p>9 into it this diagram was come up with?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. So, the early meetings</p> <p>12 would have been with Ralph and Chad; is that</p> <p>13 right?</p> <p>14 A. Correct.</p> <p>15 Q. Okay. And then you said maybe</p> <p>16 the third meeting is when y'all came up with</p> <p>17 this diagram; correct?</p> <p>18 A. We came up with that sketch,</p> <p>19 yes.</p> <p>20 Q. The sketch. Okay. And this</p> <p>21 was a schedule that y'all wrote on the white</p> <p>22 board; correct?</p> <p>23 A. Correct.</p>	<p>1 the project completion date of July 28th;</p> <p>2 correct?</p> <p>3 A. No.</p> <p>4 Q. Well, who came up with that</p> <p>5 date?</p> <p>6 A. Chad Reese.</p> <p>7 Q. Okay. You didn't disagree</p> <p>8 with that date, did you?</p> <p>9 A. Yes.</p> <p>10 Q. Well, you didn't say: That's</p> <p>11 not a good date, did you?</p> <p>12 A. I talked to Ralph Hudnall that</p> <p>13 no way I could finish that alone by that</p> <p>14 date.</p> <p>15 Q. Okay. And what did Ralph say?</p> <p>16 A. He said: Don't worry about</p> <p>17 it.</p> <p>18 Q. Okay.</p> <p>19 A. He said: It will be all</p> <p>20 right. Just do the best you can.</p> <p>21 Q. Okay. And was that where</p> <p>22 Ralph also told you that you could rely on</p> <p>23 other people to get help?</p>

20 (Pages 77 to 80)

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 81</p> <p>1 A. And I asked him: Could I get 2 an engineer on the project? And that's when 3 Andras had came into the project. 4 Q. Okay. 5 A. And the next day he was gone. 6 Q. All right. After y'all came 7 up with this sketch -- And you had input 8 into this sketch, didn't you? 9 A. No. 10 Q. Okay. Are you saying there's 11 some other part of this sketch or the 12 staging deadlines that you thought was wrong 13 or inappropriate? 14 A. I asked for a schematic or a 15 diagram from an engineer of how to build -- 16 or how to install the handles for the steam 17 cleaner and this is the sketch I came up 18 with. And I totally disagreed to Ralph 19 Hudnall that: This right here is 20 unprofessional. I don't know what to do 21 with this. 22 Q. Who drew this sketch? 23 A. Chad Reese.</p>	<p style="text-align: right;">Page 83</p> <p>1 is round. 2 Q. You didn't point out that 3 specific problem to Chad, did you? 4 A. Yes. 5 Q. What did Chad say? 6 A. Again, he said: I'm an 7 engineer. Go build it. 8 Q. So did Chad -- So Chad clearly 9 thought it would work; right? 10 A. Yes. 11 Q. Okay. Was it clear that Ralph 12 thought it would work as well? 13 A. It was not clear that Ralph 14 thought it was going to work. 15 Q. Did Ralph say he disagreed 16 with it? 17 A. Ralph had some -- I think 18 Ralph didn't say that he disagreed with it, 19 but he had some questions on whether it 20 would work or not. 21 Q. All right. After this 22 schematic was drawn, did you have a series 23 of meetings with Ralph about sort of going</p>
<p style="text-align: right;">Page 82</p> <p>1 Q. And Chad is an engineer; 2 right? 3 A. And that's what he told me. 4 He said: I'm an engineer. I'll draw you a 5 sketch. And he drew that in three minutes. 6 Q. Well, did you say: Chad, 7 that's not good enough? 8 A. I said: Chad, that's not good 9 enough and that's not going to work. 10 Q. You said that in front of Chad 11 and Ralph? 12 A. Yes. 13 Q. What did they say when you 14 said: That's not good enough? 15 A. Chad said: It will work. He 16 said: It will work. Go build it. 17 Q. Why did you say that wouldn't 18 work? 19 A. Because you have a ball coming 20 out of an air piston hitting a trigger. 21 There's no way that that ball is going to 22 ever be stable in hitting that trigger at 23 the exact same point every time, because it</p>	<p style="text-align: right;">Page 84</p> <p>1 forward and what was the basic set-ups of 2 the life test fixture? 3 A. I think so. After this 4 sketch, yes, I think so. 5 Q. Okay. And that would have 6 been, what, within the week or two right 7 after this sketch? 8 A. Yes. 9 Q. All right. And were those -- 10 Would some of them take all morning, or were 11 they one hour, or how long would those 12 meetings take? 13 A. Oh, not even an hour. It 14 wasn't no hour-long meetings. 15 Q. Okay. They were -- Would you 16 sit down with Ralph and talk through the 17 basics of sort of creating this fixture as 18 you were getting started? 19 A. Yes. 20 Q. Okay. All right. So, that is 21 somewhere in the -- Do you remember if that 22 was in early May? 23 A. Yes.</p>

21 (Pages 81 to 84)

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 85</p> <p>1 Q. Okay. So that was in early 2 May. So, basically, the setup was for you 3 to do this and have it done in about three 4 months' time, is that correct; by the end of 5 July, so May, June, July? Sounds like it's 6 a little less, depending on when it was in 7 early May; right?</p> <p>8 A. Honestly, I don't know if this 9 came off in early May. I think it was more 10 like early June when the project had come 11 about. I'm not for sure. But I think the 12 project started in, like, early June. I'm 13 not sure.</p> <p>14 Q. Okay. After the series of 15 meetings that you had at the beginning with 16 Ralph, did you ever seek Ralph's help on the 17 project?</p> <p>18 A. Yes.</p> <p>19 Q. All right. On how many 20 occasions, after those early meetings, did 21 you seek Ralph's help on the project?</p> <p>22 A. Mostly -- I don't know how 23 many occasions that I talked to Ralph about</p>	<p style="text-align: right;">Page 87</p> <p>1 Q. Okay. And is that what is 2 noted there on the e-mail that's dated 3 Monday, June 28, at 10:55 a.m.?</p> <p>4 A. Correct.</p> <p>5 Q. Okay. Then, after that, you 6 sent him a response in which you asked him 7 for some more information; correct?</p> <p>8 A. Yes.</p> <p>9 Q. All right. But his response 10 is, that that information is not something 11 he can give you because it changes and is 12 variable and you've got to go figure that 13 out yourself; correct?</p> <p>14 A. No. I don't know if that was 15 his response.</p> <p>16 Q. Okay. You tell me how you 17 interpret his response. It's up on the top 18 of the page. They go backwards.</p> <p>19 MR. COTTLE: It's just 20 backwards.</p> <p>21 A. Okay. If that's what he 22 wrote, yes.</p> <p>23 Q. Okay. On how many other</p>
<p style="text-align: right;">Page 86</p> <p>1 the project, but I had to consult with Ralph 2 about anything that I wanted to do with the 3 project.</p> <p>4 Q. All right. I'll show you an 5 e-mail --</p> <p>6 MR. LIGHTFOOT: John, I 7 produced this, didn't I?</p> <p>8 MR. COTTLE: Yeah. If it's 9 the one I think --</p> <p>10 MR. LIGHTFOOT: I certainly 11 meant to, if I didn't.</p> <p>12 (Defendant's Exhibit 4 was 13 marked for identification 14 purposes.)</p> <p>15 Q. All right. I'll show you an 16 e-mail that I am showing you from late June. 17 Did you ask Chad for some help on an 18 occasion somewhere around June 28, 2004?</p> <p>19 A. I asked Chad for the 20 specifications of a steamer.</p> <p>21 Q. Okay. And did he provide them 22 to you?</p> <p>23 A. Yes.</p>	<p style="text-align: right;">Page 88</p> <p>1 occasions, after the initial meetings that 2 you had with Chad and then Ralph, did you 3 ever seek Chad's help with this project?</p> <p>4 A. I consulted with Chad whenever 5 I needed to buy equipment for the project, 6 and Ralph.</p> <p>7 Q. All right. How about, though, 8 in terms of designing or the engineering of 9 the project? Did you ever talk with Chad 10 about that, other than this one occasion on 11 June 28th?</p> <p>12 A. Yes.</p> <p>13 Q. How many times?</p> <p>14 A. More than five. We 15 probably --</p> <p>16 Q. Less than ten?</p> <p>17 A. Less than ten.</p> <p>18 Q. All right. And then the times 19 you talked with Ralph, would that be less 20 than ten as well, about the design or --</p> <p>21 A. I'm not sure.</p> <p>22 Q. I'm sorry. Let me finish the 23 question, if you don't mind.</p>

22 (Pages 85 to 88)

FREEDOM COURT REPORTING

Page 89	Page 91
<p>1 A. I'm sorry.</p> <p>2 Q. -- about the design or the</p> <p>3 engineering on the project?</p> <p>4 A. I'm not sure of the exact</p> <p>5 time, how many times that me or Chad or</p> <p>6 Ralph had talked about this project.</p> <p>7 Q. Okay. You've answered me</p> <p>8 about Chad, but with regard to Ralph, would</p> <p>9 it be less than ten?</p> <p>10 A. I'm not sure.</p> <p>11 Q. Did Ralph give you an initial</p> <p>12 evaluation somewhere around May 5, 2004?</p> <p>13 A. Yes.</p> <p>14 Q. All right. And I believe you</p> <p>15 said you think that was before the life</p> <p>16 cycle design project was underway?</p> <p>17 A. I think so, yes.</p> <p>18 Q. Okay. And did he have a</p> <p>19 sit-down discussion with you?</p> <p>20 A. Yes.</p> <p>21 Q. All right. And did he tell</p> <p>22 you the things in which he thought you were</p> <p>23 doing well on?</p>	<p>1 next bullet point: Taking life testing to</p> <p>2 the next level?</p> <p>3 A. Yes.</p> <p>4 Q. All right. How about the next</p> <p>5 bullet point, did he talk about: Start</p> <p>6 developing life test specifications and</p> <p>7 methods for additional products?</p> <p>8 A. Yes.</p> <p>9 Q. All right. And the next one</p> <p>10 about: You need to continue to learn and</p> <p>11 understand the life test standards?</p> <p>12 A. Yes.</p> <p>13 Q. All right. Did he also tell</p> <p>14 you to strive to become more independent?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. He talks about there:</p> <p>17 Getting away from asking Brian for help with</p> <p>18 the setups; correct? Do you see that</p> <p>19 written there?</p> <p>20 A. Yes.</p> <p>21 Q. He talked about that; right?</p> <p>22 A. Well, it's mentioned in here</p> <p>23 I've read it, but I don't think we had a</p>
Page 90	Page 92
<p>1 A. Yes.</p> <p>2 Q. Did he tell you the ways in</p> <p>3 which he thought you needed to improve?</p> <p>4 A. Yes.</p> <p>5 (Defendant's Exhibit 5 was</p> <p>6 marked for identification</p> <p>7 purposes.)</p> <p>8 Q. Okay. And if you'll -- Let's</p> <p>9 mark that as -- Is what I'm marking as</p> <p>10 Defendant's Exhibit 5, is that the write-up</p> <p>11 that you got from that meeting with Ralph?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And you agreed with his</p> <p>14 assessment; correct?</p> <p>15 A. Yes.</p> <p>16 Q. And you signed it?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Looking under</p> <p>19 improvements, did he discuss with you the</p> <p>20 second bullet point about remaining focused</p> <p>21 on your current assigned projects?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Did he talk about, the</p>	<p>1 discussion about it -- or a lengthy</p> <p>2 discussion about it.</p> <p>3 Q. Had you been relying on Brian</p> <p>4 a lot?</p> <p>5 A. No.</p> <p>6 Q. Okay. Well, then what was</p> <p>7 talked about in here if you had not been</p> <p>8 relying on Brian a lot?</p> <p>9 A. I had been relying on Brian in</p> <p>10 the beginning of me going into life testing,</p> <p>11 but --</p> <p>12 Q. But not specifically with the</p> <p>13 steam cleaner life testing design?</p> <p>14 A. I don't recall that I talked</p> <p>15 to Brian a lot with the steam cleaner</p> <p>16 design.</p> <p>17 Q. Okay. Did he tell you to --</p> <p>18 words to the effect of: You needed to treat</p> <p>19 your coworkers appropriately in the way you</p> <p>20 talk to them?</p> <p>21 A. Yes.</p> <p>22 Q. Did you take it as a positive</p> <p>23 meeting?</p>

23 (Pages 89 to 92)

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 93</p> <p>1 A. Yes. I agreed. I signed it.</p> <p>2 Q. Okay. At some point after you</p> <p>3 had this evaluation meeting with Ralph</p> <p>4 Hudnall, did Ralph speak with you about you</p> <p>5 communicating with other employees about a</p> <p>6 bonus or a pay raise issue?</p> <p>7 A. Yes.</p> <p>8 Q. Had you, in fact, been talking</p> <p>9 with employees about bonuses or pay raises</p> <p>10 and things of that nature?</p> <p>11 A. Employees had been talking to</p> <p>12 me, yes.</p> <p>13 Q. Which employees?</p> <p>14 A. Almost -- Ashley, Andras, I'm</p> <p>15 trying to think of his name. I forgot. Can</p> <p>16 I ask a question?</p> <p>17 Q. No. You -- I mean --</p> <p>18 A. I don't remember his name.</p> <p>19 Q. That's fine. I mean, yeah,</p> <p>20 I'd rather you not ask it right now. He can</p> <p>21 ask you later or you can come back and tell</p> <p>22 me if you remember it later.</p> <p>23 A. Okay.</p>	<p style="text-align: right;">Page 95</p> <p>1 a bonus, but we hadn't received it yet. So</p> <p>2 we all was talking about when we was going</p> <p>3 to receive our bonus.</p> <p>4 Q. At one point, did Ralph</p> <p>5 Hudnall approach you and say: You shouldn't</p> <p>6 be talking about that stuff, or words to</p> <p>7 that effect?</p> <p>8 A. Correct.</p> <p>9 Q. Okay. And did you get upset</p> <p>10 with him?</p> <p>11 A. Yes.</p> <p>12 Q. And did you, in fact, raise</p> <p>13 your voice at him?</p> <p>14 A. After he raised his voice to</p> <p>15 me, yes.</p> <p>16 Q. And did you, in fact, say:</p> <p>17 This is bull shit, or words to that effect?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. He never cussed at you,</p> <p>20 did he?</p> <p>21 A. Yes.</p> <p>22 Q. What did he say? What do you</p> <p>23 say he said?</p>
<p style="text-align: right;">Page 94</p> <p>1 Q. I mean, there's no game to it.</p> <p>2 But just telling me you don't remember is</p> <p>3 fine. There was someone else that you just</p> <p>4 can't remember the name right now?</p> <p>5 A. Correct.</p> <p>6 Q. Was it a technician or an</p> <p>7 engineer?</p> <p>8 A. Engineer.</p> <p>9 Q. All right. In fact, were you</p> <p>10 -- In this time period, were you</p> <p>11 dissatisfied with your pay?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And were you wanting</p> <p>14 more pay?</p> <p>15 A. We all were, yes.</p> <p>16 Q. Okay. And were you wanting a</p> <p>17 bonus as well?</p> <p>18 A. We had already had a bonus.</p> <p>19 We was wondering when we were going to get</p> <p>20 our bonus.</p> <p>21 Q. You mean you had already been</p> <p>22 given a bonus?</p> <p>23 A. Yes. We all had been promised</p>	<p style="text-align: right;">Page 96</p> <p>1 A. Specifically, I cannot</p> <p>2 remember, but I know that we both was -- it</p> <p>3 was that -- profanity was used on both</p> <p>4 parts.</p> <p>5 Q. Okay. But you can't remember</p> <p>6 what profanity he used; correct?</p> <p>7 A. Correct. Not right now, at</p> <p>8 this point.</p> <p>9 Q. Okay. And did Ralph say:</p> <p>10 That's the way things are around here, you</p> <p>11 need to cut it out, or words to that</p> <p>12 effect --</p> <p>13 A. I can't remember.</p> <p>14 Q. -- after you yelled: This is</p> <p>15 bull shit?</p> <p>16 A. I can't remember.</p> <p>17 Q. And did you then repeat</p> <p>18 yourself, still yelling?</p> <p>19 A. No. I don't think so. I</p> <p>20 can't remember.</p> <p>21 Q. At some point, did Terry</p> <p>22 Robertson and Ralph call you in to Terry's</p> <p>23 office to talk about it, that same subject?</p>

24 (Pages 93 to 96)

FREEDOM COURT REPORTING

Page 97	Page 99
<p>1 A. Talk about the bonuses, yes.</p> <p>2 Q. Okay. Did you understand that</p> <p>3 as a lab technician, that you technically</p> <p>4 should not have been eligible for a bonus?</p> <p>5 Did Terry explain that to you?</p> <p>6 A. No, I did not. I didn't</p> <p>7 understand it until he explained it.</p> <p>8 Q. Okay. Did he explain to you</p> <p>9 that you otherwise should not have been</p> <p>10 eligible for a bonus, but that Euro-Pro had</p> <p>11 actually gotten you a bonus?</p> <p>12 A. Euro-Pro has gotten other lab</p> <p>13 technicians and me a bonus, yes.</p> <p>14 Q. What other lab technicians?</p> <p>15 A. Ashley Sheffield.</p> <p>16 Q. Okay. So, you understood that</p> <p>17 Euro-Pro got other lab technicians a bonus,</p> <p>18 as well as you?</p> <p>19 A. Yes.</p> <p>20 Q. Prior to that, were you aware</p> <p>21 that bonuses had only been for management</p> <p>22 employees?</p> <p>23 A. No.</p>	<p>1 be talking about bonuses and things like</p> <p>2 that out in the workplace, for a variety of</p> <p>3 reasons?</p> <p>4 A. I think he talked to me and</p> <p>5 some other people about it, yes.</p> <p>6 Q. Okay. Well, you were the only</p> <p>7 one in this meeting, right, with Terry and</p> <p>8 Ralph?</p> <p>9 A. Oh, yes.</p> <p>10 Q. Okay. And he explained to you</p> <p>11 it was inappropriate to be talking about</p> <p>12 that kind of stuff?</p> <p>13 A. Yes.</p> <p>14 Q. He explained to you it could</p> <p>15 cause morale problems and all sorts of</p> <p>16 issues?</p> <p>17 A. He explained to me it was</p> <p>18 inappropriate to be talking about that.</p> <p>19 Q. Okay. And what did you say in</p> <p>20 response to that?</p> <p>21 A. I can't recall. I think it</p> <p>22 was probably: Okay. I can't recall.</p> <p>23 Q. And you didn't yell or curse</p>
Page 98	Page 100
<p>1 Q. Who, nonmanagement, were you</p> <p>2 aware of getting bonuses before that time?</p> <p>3 A. Before that time, I wasn't</p> <p>4 aware of anybody getting bonuses.</p> <p>5 Q. Oh, you just weren't aware one</p> <p>6 way or the other?</p> <p>7 A. Correct.</p> <p>8 Q. All right. So, Terry</p> <p>9 explained to you who was eligible for</p> <p>10 bonuses and who was not?</p> <p>11 A. Correct.</p> <p>12 Q. He explained to you the effort</p> <p>13 that the management at that facility had</p> <p>14 gone to get bonuses for people who otherwise</p> <p>15 wouldn't get them, like lab technicians;</p> <p>16 correct?</p> <p>17 MR. COTTLE: Object to the</p> <p>18 form of the question. You can answer.</p> <p>19 Q. He explained that to you in</p> <p>20 that meeting; correct?</p> <p>21 A. Correct.</p> <p>22 Q. All right. Did he also</p> <p>23 explain to you that it was inappropriate to</p>	<p>1 at Terry, did you?</p> <p>2 A. No.</p> <p>3 Q. You just did that with Ralph?</p> <p>4 A. As Ralph done it with me, yes.</p> <p>5 Q. You got your bonus, didn't</p> <p>6 you?</p> <p>7 A. The next week after I got</p> <p>8 fired, yes.</p> <p>9 Q. You didn't get your bonus in</p> <p>10 the spring of '04?</p> <p>11 A. No. I don't remember a bonus</p> <p>12 in the spring of '04.</p> <p>13 Q. How much was your bonus?</p> <p>14 A. It was five hundred dollars.</p> <p>15 I got three hundred dollars, after taxes,</p> <p>16 somewhere around three hundred dollars.</p> <p>17 Q. And you're saying you got that</p> <p>18 after you were terminated?</p> <p>19 A. Correct. As far as I recall,</p> <p>20 it was the only bonus I ever got.</p> <p>21 Q. Okay. So you -- Okay. If you</p> <p>22 got one in the spring, you don't recall it?</p> <p>23 A. I don't recall.</p>

25 (Pages 97 to 100)

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 101</p> <p>1 Q. Let me show you what I'm</p> <p>2 marking as Defendant's Exhibit 6. Well,</p> <p>3 hold on.</p> <p>4 As of July 31, or I guess the</p> <p>5 end of July -- As of the end of July, you</p> <p>6 did not have the steam cleaner life test</p> <p>7 project completed; correct?</p> <p>8 A. Correct.</p> <p>9 Q. And you told that to Ralph;</p> <p>10 right?</p> <p>11 A. Before I started the project,</p> <p>12 it wasn't going to get finished at that</p> <p>13 time, yes.</p> <p>14 Q. In late July or August, when</p> <p>15 it wasn't completed, did Ralph tell you</p> <p>16 words to the effect of: Get it done as</p> <p>17 quickly as you can, even though we realize</p> <p>18 you're not going to meet this July 28th</p> <p>19 deadline?</p> <p>20 A. I can't recall that we ever</p> <p>21 talked about that.</p> <p>22 Q. Okay. Well, you understood it</p> <p>23 was of significant importance to the company</p>	<p style="text-align: right;">Page 103</p> <p>1 and working well, yes, I understood that.</p> <p>2 Q. Okay. And sometime around</p> <p>3 July 28th or early August, or whenever it</p> <p>4 became apparent it wasn't going to be done</p> <p>5 by then, did Ralph say words to you to the</p> <p>6 effect of: You need to be reporting to me</p> <p>7 on a weekly basis on the update as to how</p> <p>8 it's coming and how close we're getting to</p> <p>9 completion so that I can report to Terry</p> <p>10 Robertson where we stand?</p> <p>11 A. No. I never had that</p> <p>12 conversation.</p> <p>13 Q. All right. Did you understand</p> <p>14 that Ralph was reporting to Terry about how</p> <p>15 the design was going and how well it was</p> <p>16 working?</p> <p>17 A. I did not -- I didn't know</p> <p>18 that, no.</p> <p>19 Q. You didn't know that at all?</p> <p>20 A. No.</p> <p>21 (Defendant's Exhibit 6 was</p> <p>22 marked for identification</p> <p>23 purposes.)</p>
<p style="text-align: right;">Page 102</p> <p>1 that it be completed as quickly as possible;</p> <p>2 correct?</p> <p>3 A. Of course.</p> <p>4 Q. And you understood that it</p> <p>5 needed to work and work well; correct?</p> <p>6 A. Of course.</p> <p>7 Q. And you knew that Euro-Pro was</p> <p>8 number one in the world in steam cleaners;</p> <p>9 correct?</p> <p>10 A. I didn't know that exact -- I</p> <p>11 did not know that, no.</p> <p>12 Q. You didn't know they're the</p> <p>13 market leader in steam cleaners?</p> <p>14 A. No, actually, I didn't.</p> <p>15 Q. Did you know -- Did you know</p> <p>16 the reason why it was important that the</p> <p>17 steam cleaner life test be designed and</p> <p>18 constructed and working well as soon as</p> <p>19 possible?</p> <p>20 A. I mean, I understood that it</p> <p>21 should have been working well and done --</p> <p>22 that's anything that we should do, that we</p> <p>23 should do it like that, quickly as possible</p>	<p style="text-align: right;">Page 104</p> <p>1 Q. All right. Let me show you</p> <p>2 what I'm marking as Defendant's Exhibit 6.</p> <p>3 MR. LIGHTFOOT: You've got it,</p> <p>4 John.</p> <p>5 Q. Is this the evaluation you</p> <p>6 were given on -- somewhere around August 20</p> <p>7 -- August 31, 2004?</p> <p>8 (Off-the-Record discussion</p> <p>9 was held.)</p> <p>10 A. Ask the question again.</p> <p>11 Q. Sure. Is what I've just given</p> <p>12 you, which I've marked as Defendant's</p> <p>13 Exhibit 6, is that the evaluation that you</p> <p>14 were given somewhere around August 31, 2004?</p> <p>15 A. Correct.</p> <p>16 Q. Okay. And Ralph gave it to</p> <p>17 you; correct?</p> <p>18 A. Correct.</p> <p>19 Q. And you signed it?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. And you agreed with it?</p> <p>22 A. Correct.</p> <p>23 Q. Okay. And do you have any</p>

26 (Pages 101 to 104)

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 105</p> <p>1 idea how he rated you compared to the other 2 employees that he rated? 3 A. No. 4 Q. Okay. And he talked about -- 5 He talked about, once again, your strengths; 6 is that correct? 7 A. Correct. 8 Q. And also talked about the 9 areas in which you needed improvement; 10 correct? 11 A. Correct. 12 Q. And you didn't disagree with 13 any of the areas in which you needed 14 improvement; correct? 15 A. Correct. 16 Q. Now, you encountered some 17 significant problems in designing the steam 18 cleaner life cycle test; correct? 19 A. Correct. 20 Q. And some of those problems 21 were within your control and some of those 22 were outside of your control; correct? 23 A. Correct.</p>	<p style="text-align: right;">Page 107</p> <p>1 Q. Yeah, but you -- Let's see. 2 You made the decision on which parts to 3 order; correct? 4 A. No. Chad Reese made the 5 decision to order those parts. 6 Q. Well, was it your job, as the 7 designer of the life cycle test, or was it 8 Chad's job to order the parts? 9 A. It was my job to build the 10 life test fixture. Before the project, I 11 repeatedly asked for an engineer to do the 12 design and the schematics for the job, 13 correct. 14 Q. My question is, in terms of 15 ordering the correct parts, whose job would 16 that be? 17 MR. COTTLE: Which parts are 18 you talking about, now? 19 MR. LIGHTFOOT: Any of the 20 parts. 21 A. It would be left on me to 22 order the right parts. But I consulted with 23 Chad to order the parts.</p>
<p style="text-align: right;">Page 106</p> <p>1 Q. One of the ones that was 2 within your control would have been when you 3 ordered the wrong valves; correct? 4 A. I don't recall ordering wrong 5 valves. 6 Q. All right. 7 A. I don't recall. 8 Q. Okay. Do you recall ordering 9 parts that needed to be able to withstand a 10 very high temperature, but then it turns out 11 that the parts you ordered could not 12 withstand those temperatures? 13 A. Correct. 14 Q. Okay. Was that the valves? 15 A. Those are parts I consulted 16 with Chad Reese about, and they were -- I 17 was told to order those parts. 18 Q. Okay. Now, you didn't talk 19 with Chad about the number of -- the amount 20 of degree that it needed to withstand, did 21 you? That was part of your job; right? 22 A. Correct. I talked to Chad 23 Reese about that.</p>	<p style="text-align: right;">Page 108</p> <p>1 Q. Are you saying that you 2 consulted with Chad before you ordered every 3 part? 4 A. Any part that was over a 5 hundred dollars, I had to let Terry 6 Robertson know, Ralph Hudnall know and Chad 7 Reese know. And just about every part on 8 that life test fixture was over a hundred 9 dollars. 10 Q. Did you design handles that 11 did not work properly? 12 A. No. 13 Q. Did you design the handles? 14 A. No. 15 Q. What role did you play in the 16 handles? 17 A. The handles was contracted out 18 to an independent contractor. They was 19 designed by an independent contractor. 20 Q. Did you try to do them first? 21 A. I tried to do what's on this 22 sketch that I was shown and it wouldn't 23 work, because Chad Reese told me to try it</p>

27 (Pages 105 to 108)

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 109</p> <p>1 to see if it would work. I'm a technician, 2 not an engineer. 3 Q. Were the problems with the 4 handles that you used was that they weren't 5 as flexible as they needed to be? 6 A. The problem was, it was a 7 design flaw in the beginning, as I 8 previously expressed to Chad Reese at the 9 beginning of the project. 10 Q. Okay. So, you're blaming that 11 on Chad Reese, the handles; is that correct? 12 A. The handles -- This diagram, 13 this schematic, yes, this is Chad Reese. 14 This is a flaw in Chad Reese's design. 15 Q. How much time did you spend on 16 the handles? 17 A. I spent -- I don't know. I 18 don't have the exact time. 19 Q. Approximately? 20 A. I can't approximate. I mean, 21 I was on the project. So it was probably 22 all the time. 23 Q. Okay. Tell me about the</p>	<p style="text-align: right;">Page 111</p> <p>1 Reese, are you? 2 A. I was not aware that there was 3 a lot of construction problems on the life 4 test. 5 Q. Well, what were the problems 6 that y'all encountered in constructing the 7 life test for steam cleaners? 8 A. The beginning problem was the 9 holdup on the design of the handles. 10 Q. Okay. 11 A. I expressed the fact that I 12 think they need to be contracted out because 13 we don't have the tools or the equipment 14 here to do it. 15 Q. And did management report back 16 to you: We want you to construct them? 17 A. Management in the beginning 18 reported to me they wanted me to design this 19 sketch and see would it work. And I -- They 20 wanted me to put this sketch together on the 21 handle to see would it work and I did so, 22 and it did not work. 23 At that point, we did not have</p>
<p style="text-align: right;">Page 110</p> <p>1 problems in the design that would have been 2 your fault, not Chad Reese's fault, or in 3 the construction. 4 A. Like I said before, the 5 handles and everything was contracted out. 6 And it was all -- The engineers and me 7 looked at what the construction schematic 8 was. And I didn't see no problems with the 9 handles or the design of the handles, and 10 still don't. 11 Q. But they didn't work, did 12 they? 13 A. Yes, they did. 14 Q. You mean the ones that were 15 contracted out? 16 A. Yes. 17 Q. Okay. But the ones you had 18 before that didn't work? 19 A. No. But it was a design flaw 20 from Chad Reese. 21 Q. Well, to be clear, you're not 22 blaming every construction problem on the 23 life test for the steam cleaners on Chad</p>	<p style="text-align: right;">Page 112</p> <p>1 the materials there to make it work. And I 2 expressed that in order to get it done, a 3 way that we needed it done, we need to 4 contract it out. 5 Q. Okay. What other significant 6 problems arose with the construction of the 7 life test for steam cleaners? 8 A. I'm not aware of any other 9 construction problems of it, I guess. 10 Q. Sometime in November, did you 11 request a two-week vacation? 12 A. I requested a two-week 13 vacation, I think, way before November. 14 Q. Well, were you granted a 15 two-week vacation in November? 16 A. Yes. 17 Q. Around Thanksgiving? 18 A. Yes. 19 Q. Okay. You also asked Ralph 20 Hudnall if you could leave early the last 21 day of work; correct? 22 A. Correct. 23 Q. And Ralph said words to the</p>

28 (Pages 109 to 112)

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 113</p> <p>1 effect: No, not unless it's fully 2 operational; is that correct? 3 A. No. 4 Q. What did he say? 5 A. I went to a meeting with Ralph 6 and I explained to Ralph that there was a 7 situation going on with the life test that I 8 think that we could buy a different part, it 9 would have improved the dependability of the 10 life test. And I explained to him what the 11 part was, and how we need to do it. 12 And after that, I asked him -- 13 I told him I needed something to do before I 14 go on vacation, can I leave early? He said: 15 No -- He said: Not a problem. I'm going to 16 leave early, too, just shut everything down. 17 Q. Now, Ralph met with you the 18 morning -- that Friday morning before you 19 left for vacation; right, November the 19th? 20 A. Yes. That's the conversation 21 we just had, yes. 22 Q. Okay. And he told you that 23 before vacation, he needed to know about any</p>	<p style="text-align: right;">Page 115</p> <p>1 with you that you would be available for him 2 to talk to on vacation, if he needed you? 3 A. Correct. 4 Q. All right. Did you leave at 5 -- What time did you leave, noon? 6 A. I think lunchtime, yes. 7 Q. Now, are you -- Are you 8 claiming that you had permission to go? 9 A. Yes. 10 Q. From whom? 11 A. Ralph Hudnall. 12 Q. And how is it that you say he 13 gave -- What is it that -- How is it that 14 you say you have permission? 15 A. I asked him could I leave 16 early, I have some personal business to take 17 care of. He said: No problem, no problem, 18 I'm going to leave early, too. So just shut 19 everything down in the life test bay because 20 I'm leaving early, too. He had some 21 personal business to take care of. 22 Q. And is it your testimony that 23 he did not say: It's okay to leave early,</p>
<p style="text-align: right;">Page 114</p> <p>1 problems with the life cycle for steam 2 cleaners; correct? 3 A. Correct. And I told him the 4 problems I had with the steam cleaner. 5 Q. All right. What problems did 6 you tell him in that meeting that morning? 7 A. That there was -- We needed to 8 buy a current censor that would actually 9 turn the life test system on and off better 10 than what we had. And he agreed, that would 11 be a better equipment to buy. 12 Q. Okay. Are there any other 13 problems that y'all discussed? 14 A. Not as I can recall. 15 Q. Okay. Did he also tell you 16 that it was -- Did he tell you it was 17 important that they be -- that the test be 18 fully operational before you went on 19 vacation? 20 A. No. 21 Q. Words to that effect? 22 A. No. 23 Q. All right. He did confirm</p>	<p style="text-align: right;">Page 116</p> <p>1 if the life test was running, or if you were 2 aware of any minor problems that needed to 3 be dealt with? 4 A. No. He never told me that. 5 We had discussed a minor problem earlier, 6 but that was not an issue. 7 Q. All right. On Monday morning, 8 November 22nd, Ralph called you at home; 9 correct? 10 A. I never received a phone call 11 from Ralph while I was on vacation. Not as 12 I know of. I can't recall if I did ever 13 receive a phone call from Ralph. 14 Q. Do you recall Ralph calling 15 you and telling you that the wires were 16 disconnected on Monday, November 22nd, and 17 reaching you and talking to you at your 18 home? 19 A. I don't remember him ever 20 calling me while I was on vacation. 21 Q. Okay. So, you just -- You 22 don't recall that? 23 A. I don't recall that.</p>

29 (Pages 113 to 116)

FREEDOM COURT REPORTING

Page 117	Page 119
<p>1 Q. You're not denying that, you 2 just don't recall it? 3 A. I don't recall that. 4 Q. Okay. You had disconnected 5 the wires before vacation; correct? 6 A. Correct. 7 Q. Okay. And did you report to 8 Ralph that the life test was not safe to 9 run? 10 A. I reported that to him earlier 11 before I left, that we needed a current 12 sensor to sense the current in the life 13 test. And right at that moment, I don't 14 think it was safe to run. 15 Q. Okay. Did you also tell him 16 that on the Monday, do you recall? 17 A. That -- I don't recall Ralph 18 ever calling me while I was on vacation. 19 Q. Okay. Do you recall saying 20 words to him on that Monday that you would 21 look into it after your vacation? 22 A. I don't recall Ralph ever 23 calling me while I was on vacation.</p>	<p>1 A. It was that Friday I left 2 early on vacation. 3 Q. And is that when they thought 4 he had had a heart attack? 5 A. Yes. 6 Q. Did you talk with Chad about 7 anything business related? 8 A. I talked to him about the 9 situation about the current sensor. And he 10 said: The current sensor would work a whole 11 lot better. He agreed. 12 Q. Was he physically in a 13 hospital bed when you talked to him? 14 A. Yes. 15 Q. You didn't tell him you had 16 disconnected the wires, did you? 17 A. We didn't get deep into it. 18 He asked me how is things going, I asked him 19 how he was. We talked about a lot of 20 things. 21 Q. Is the answer no, you didn't 22 tell him you disconnected the wires? 23 A. No.</p>
Page 118	Page 120
<p>1 Q. Okay. Do you recall having a 2 discussion with Ralph about talking with 3 Chad Reese? 4 MR. COTTLE: At what time? 5 Q. On Monday, or at any time 6 after you went on vacation. 7 A. As I said before, I don't 8 recall ever talking to Ralph while I was on 9 vacation. 10 Q. Fair enough. Where did you go 11 on vacation? 12 A. Nowhere. 13 Q. Okay. And you only had one 14 home phone number; correct? 15 A. Correct. 16 Q. What is your home phone 17 number, or what was it then? 18 A. Okay. Area code (334) 19 863-4893. 20 Q. Did you go visit Chad Reese at 21 the hospital? 22 A. Yes. 23 Q. What day?</p>	<p>1 Q. I may be asking it wrong. Am 2 I correct that you did not ask him -- I'm 3 sorry. Let me start over. Am I correct 4 that you did not tell him that you had 5 disconnected the wires; is that correct? 6 A. I don't remember ever telling 7 him that. I may have. I don't remember. 8 Q. But you say you all did talk 9 about the current sensor? 10 A. Correct. 11 Q. And what was said about that? 12 A. He thought that it would be 13 better. He agreed. 14 Q. Do you recall when the company 15 got the LabVIEW software from Auburn? 16 A. Do I recall when they got the 17 LabVIEW software? 18 Q. Yes. 19 A. No, I don't recall. 20 Q. Were you aware that the 21 company had gotten LabVIEW software at some 22 time? 23 A. Yes.</p>

30 (Pages 117 to 120)

FREEDOM COURT REPORTING

Page 121

1 Q. Okay. And were you told to
2 use that in your job?
3 A. Yes.
4 Q. Was that Ralph or Terry?
5 A. I can't recall who told me
6 that.
7 Q. It would have been one of
8 those two?
9 A. More than likely, yes.
10 Q. Okay. And what did Ralph tell
11 you about using the software?
12 A. I can't recall exactly what he
13 told me about using the software.
14 Q. But he told you he wanted you
15 to use it; correct?
16 A. He wanted me to use it on
17 another project -- another system that was
18 already built before I got there.
19 Q. Did you ever use the LabVIEW
20 software?
21 A. On another system, yes.
22 Q. Which other system?
23 A. On the hand-held vacuum

Page 122

1 system. It was already installed.
2 Q. Was one of your assignments in
3 your job to get the pant press life cycle
4 test working correctly?
5 A. It was part of my job to run
6 the pant press life cycle, yes.
7 Q. Did you?
8 A. Yes.
9 Q. Did you get it working well?
10 A. It wasn't a working -- It was
11 already working, I just needed to run it,
12 run it per specification or to run it -- it
13 wasn't even a specification on it.
14 Q. Okay. Were you asked to
15 improve it, then, is that what you --
16 A. No.
17 Q. Okay. Did you keep it
18 running?
19 A. Yes.
20 Q. Did you run it continuously
21 throughout the time you were lab technician?
22 A. No.
23 Q. Why not?

Page 123

1 A. I couldn't.
2 Q. Why not?
3 A. Because it wasn't automated,
4 it was manually. I had to manually actually
5 turn it off and on. And I couldn't. I was
6 working on the steam cleaner project. I
7 couldn't just manually turn it off and on
8 every ten minutes.
9 Q. Okay. Did you tell anybody
10 that you couldn't do that?
11 A. Yes.
12 Q. Who did you tell that?
13 A. Ralph Hudnall.
14 Q. What did he say?
15 A. I can't recall. I mean, I
16 just -- The steam cleaner was actually the
17 main focus at that time.
18 Q. That was where all -- or the
19 vast majority --
20 A. Most of my time was spent.
21 Q. -- of your time was spent?
22 A. Yes.
23 Q. Okay. Ralph Hudnall spoke

Page 124

1 with you on several occasions about keeping
2 your area clean; correct?
3 A. Correct.
4 Q. And Terry Robertson actually
5 spoke with you about that as well; correct?
6 A. Correct.
7 Q. And did they tell you that
8 they did not think you were keeping it very
9 clean?
10 A. Correct.
11 Q. And they told you you needed
12 to improve on that; correct?
13 A. Correct.
14 Q. Did you ever express to them
15 that you didn't think that was a part of
16 your job?
17 A. No.
18 Q. After Ralph had told you you
19 needed to keep your area clean, did he ever
20 have to come back to you and tell you you
21 needed to keep it -- that you weren't
22 getting it done?
23 A. After we talked about the

31 (Pages 121 to 124)

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 125</p> <p>1 situation, I can't recall that he did.</p> <p>2 Q. Terry Robertson, himself,</p> <p>3 actually do a lot of cleaning at the plant?</p> <p>4 A. Yes.</p> <p>5 Q. He actually swept himself;</p> <p>6 correct?</p> <p>7 A. Correct.</p> <p>8 Q. Did you see him sweeping?</p> <p>9 A. Correct.</p> <p>10 Q. Did you see him picking up</p> <p>11 trash?</p> <p>12 A. Correct.</p> <p>13 Q. Did you think that you didn't</p> <p>14 need to sweep or pick up trash?</p> <p>15 A. No.</p> <p>16 Q. Did you sweep?</p> <p>17 A. Yes.</p> <p>18 Q. Did you pick up trash?</p> <p>19 A. Yes.</p> <p>20 Q. Was your area kept as neat as</p> <p>21 the other areas?</p> <p>22 A. No.</p> <p>23 Q. Did you know that was a source</p>	<p style="text-align: right;">Page 127</p> <p>1 anything inappropriate about them looking to</p> <p>2 you for the responsibility to keep that area</p> <p>3 clean; correct?</p> <p>4 A. I thought it was -- I thought</p> <p>5 it was unfair, yes.</p> <p>6 Q. Why did you think it was</p> <p>7 unfair?</p> <p>8 A. Because there is anywhere from</p> <p>9 fifteen to twenty people working in that</p> <p>10 area. Probably -- Excuse me. Probably not</p> <p>11 that many, but there was a lot of people</p> <p>12 working in that area.</p> <p>13 And I expressed to Ralph</p> <p>14 Hudnall that if people was working in that</p> <p>15 area and doing a job, they should clean up</p> <p>16 after when they get through doing a job, and</p> <p>17 that would help keep the area clean.</p> <p>18 Q. You knew that keeping your</p> <p>19 area clean was a priority to Terry</p> <p>20 Robertson, wasn't it?</p> <p>21 A. Correct.</p> <p>22 Q. At some point, did you</p> <p>23 actually go and buy signs to put up about</p>
<p style="text-align: right;">Page 126</p> <p>1 of concern to Ralph and Terry?</p> <p>2 A. Yes.</p> <p>3 Q. Why didn't you?</p> <p>4 A. I expressed my views with</p> <p>5 Ralph Hudnall that it was more than probably</p> <p>6 seven or eight people working in my area.</p> <p>7 And I -- And I asked Ralph, and actually we</p> <p>8 had a meeting with everybody who worked in</p> <p>9 that area, that we all should keep whatever</p> <p>10 area we're working in clean so we can keep</p> <p>11 the whole life test system clean.</p> <p>12 Q. Okay. Did you try to blame it</p> <p>13 on others, about your area?</p> <p>14 A. No.</p> <p>15 Q. And you certainly took</p> <p>16 responsibility, as the head of that area, to</p> <p>17 keep your area clean; correct?</p> <p>18 A. I took it that Terry Robertson</p> <p>19 was looking at me to keep the whole area</p> <p>20 clean. And I expressed to Ralph Hudnall how</p> <p>21 we can do it proficiently, professionally,</p> <p>22 with everybody.</p> <p>23 Q. You didn't think there was</p>	<p style="text-align: right;">Page 128</p> <p>1 keeping the area clean?</p> <p>2 A. Correct.</p> <p>3 Q. You didn't ask anybody before</p> <p>4 you did that, did you?</p> <p>5 A. Yes.</p> <p>6 Q. Who did you talk to?</p> <p>7 A. I talked to Barbara, I think</p> <p>8 that's her name, about it.</p> <p>9 Q. What did the signs say?</p> <p>10 A. Keep this area clean.</p> <p>11 Q. But even after that sign was</p> <p>12 put up, the area still wasn't kept clean,</p> <p>13 was it?</p> <p>14 A. By my areas that I worked in,</p> <p>15 I kept them clean. If I worked in a certain</p> <p>16 area, I kept that area clean. And after we</p> <p>17 had the meeting with the other employees</p> <p>18 working in that area, it got better.</p> <p>19 Q. When was the meeting with the</p> <p>20 other employees?</p> <p>21 A. I can't remember the exact</p> <p>22 date, but it was on a Monday. And Chad</p> <p>23 Reese -- Chad Reese actually said in the</p>

32 (Pages 125 to 128)

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 129</p> <p>1 meeting: Yes, we can't allow Victor to pick 2 up after ourselves. So we need to keep our 3 area clean when we go working in those 4 areas. 5 Q. Did you return from vacation 6 on December 1, 2004? 7 A. Correct. 8 Q. Was that a Monday? 9 A. Correct. 10 Q. Did you come -- Did you start 11 somewhere around 7:30 in the morning? 12 A. I came in around 7:30 in the 13 morning, yes. 14 Q. All right. Were you called 15 into Terry's office? 16 A. Yes. 17 Q. And was Chad Reese in there? 18 A. Yes. 19 Q. All right. Did Terry -- What 20 did Terry tell you? 21 A. I think Terry said that they 22 needed to eliminate the technician in that 23 area and hire an engineer. And I asked him:</p>	<p style="text-align: right;">Page 131</p> <p>1 informed Ralph of the issues like you were 2 supposed to before you went on vacation? 3 A. And I explained to him I did. 4 Q. Okay. Did he explain to you 5 about the wires being disconnected and how 6 it wouldn't run? 7 A. Correct. 8 Q. Did he explain to you about 9 how Ralph had to rip out the wires and 10 rebuild the wiring? 11 A. I don't remember that. 12 Q. Did you ever learn that, that 13 that had happened? 14 A. No. 15 Q. All right. So he told you 16 about those things. And did he tell you 17 that he thought that was inappropriate on 18 your part, that you had done those things? 19 A. Yes. 20 Q. All right. And what was your 21 response to that? 22 A. I explained to him that I 23 talked to Ralph about that before I left. I</p>
<p style="text-align: right;">Page 130</p> <p>1 Do you mean eliminate me? And he responded: 2 Yes. 3 Q. All right. Did he tell you 4 about -- that he felt that you had not 5 performed well doing -- completing the life 6 cycle for steam cleaner? 7 A. Yes. 8 Q. What did he say about that? 9 A. He thought that it was -- cost 10 too much. And I responded to him: I didn't 11 -- I did not have a budget plan or a maximum 12 or a minimum of how much it should cost. He 13 thought, he said, that it took too long. 14 Q. Did he talk about the 15 condition that you left the test in before 16 you went on vacation? 17 A. Yes. And I explained to him I 18 talked to Ralph Hudnall about that. 19 Q. Did he say that you had left 20 it not fully operational, or words to that 21 effect? 22 A. Words to that effect. 23 Q. Did he say that you had not</p>	<p style="text-align: right;">Page 132</p> <p>1 explained to him that Ralph said it was okay 2 for me to leave early that day because he 3 was leaving early that day, too. 4 And he said: Well, you didn't 5 tell me. And my thoughts were that I 6 thought I was supposed to report to Ralph. 7 Q. Did he talk to you about Ralph 8 talking to you while on vacation? 9 A. I can't recall. 10 Q. All right. Any other -- 11 Anything else that was said by Terry or you 12 at the start of that conversation? 13 A. I can't recall of anything 14 else. 15 Q. At some point, did you jump up 16 and raise your voice? 17 A. No, I jumped up and gave him 18 my keys and left. 19 Q. What did you say? What words 20 did you say when you jumped up? 21 A. I can't recall. 22 Q. What comments did you make 23 about the life cycle for steam cleaners</p>

33 (Pages 129 to 132)

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 133</p> <p>1 project that you had been working on?</p> <p>2 A. I don't recall of any comments</p> <p>3 I made, other than that I didn't know how</p> <p>4 much that he thought it was costing too much</p> <p>5 or that there was a maximum budget plan.</p> <p>6 And I told him how long it took. I told</p> <p>7 Terry I did the best I could with no help.</p> <p>8 Q. Why did you leave in the</p> <p>9 middle of the meeting?</p> <p>10 A. What meeting?</p> <p>11 Q. The meeting where he was</p> <p>12 telling you that you were being let go.</p> <p>13 A. I didn't leave in the middle</p> <p>14 of the meeting. I left at the end of the</p> <p>15 meeting.</p> <p>16 Q. Tell me -- You said you --</p> <p>17 Didn't you say you jumped up?</p> <p>18 A. I didn't jump up. I stood up.</p> <p>19 And he said he wanted my keys and I gave him</p> <p>20 my keys off my key ring.</p> <p>21 Q. But he was still in</p> <p>22 mid-conversation with you, wasn't he?</p> <p>23 A. No, no.</p>	<p style="text-align: right;">Page 135</p> <p>1 discriminated against, yes.</p> <p>2 Q. Okay. And tell me everything</p> <p>3 you base that on.</p> <p>4 A. Of the recent incident with</p> <p>5 Ashley Sheffield. And after the accident --</p> <p>6 incident with Ashley Sheffield, I was moved</p> <p>7 into that position. I was given the steam</p> <p>8 cleaner task, which I thoroughly told my</p> <p>9 supervisor was way over my head.</p> <p>10 And I felt like that they knew</p> <p>11 that a technician didn't have the</p> <p>12 capabilities of doing what they did, and</p> <p>13 that's why they did hire an engineer. I</p> <p>14 felt like that I was put in that position to</p> <p>15 get rid of.</p> <p>16 Q. Any other reason that you</p> <p>17 think that you were terminated for some</p> <p>18 reason other than what Terry Robertson told</p> <p>19 you?</p> <p>20 A. Not as I can recall at this</p> <p>21 time.</p> <p>22 Q. You just said that you told</p> <p>23 your supervisor you were in over your head?</p>
<p style="text-align: right;">Page 134</p> <p>1 Q. How long were you in there?</p> <p>2 A. I don't recall. Five or ten</p> <p>3 minutes, I think.</p> <p>4 Q. So, what's your best</p> <p>5 recollection of the reason that he said to</p> <p>6 you that you were being terminated?</p> <p>7 A. Like I explained, he said that</p> <p>8 it cost too much, the project cost too much.</p> <p>9 He said it took too long.</p> <p>10 He also said that a vacuum had</p> <p>11 burned up while I was on vacation; that</p> <p>12 somebody had turned the voltage up on the</p> <p>13 volt meter while I was on vacation. I</p> <p>14 explained to him I was on vacation. I can't</p> <p>15 stop somebody from going and turning the</p> <p>16 knob up. And I think that was it.</p> <p>17 Q. You just told me then and a</p> <p>18 little bit earlier about the things that</p> <p>19 were said and why Terry Robertson said why</p> <p>20 you were being terminated. Do you have any</p> <p>21 reason to think that you were terminated for</p> <p>22 any reason other than what he said?</p> <p>23 A. I have reason to feel I was</p>	<p style="text-align: right;">Page 136</p> <p>1 A. Correct.</p> <p>2 Q. When did that -- When are you</p> <p>3 claiming that you said that?</p> <p>4 A. I said that to Ralph Hudnall</p> <p>5 right before the -- that they wanted the</p> <p>6 life test system and how they wanted to</p> <p>7 build -- right after the meeting with the</p> <p>8 schematic, yes.</p> <p>9 Q. All right. Now you're</p> <p>10 testifying that you told Ralph Hudnall after</p> <p>11 the meeting with the schematic that you were</p> <p>12 in over your head?</p> <p>13 A. That's why I asked him for an</p> <p>14 engineer to be on this project.</p> <p>15 Q. And what was Ralph's response?</p> <p>16 A. I think his response was:</p> <p>17 Don't worry, we'll get you an engineer,</p> <p>18 we'll get you help. And that's when Andras</p> <p>19 had came.</p> <p>20 Q. And it was his response that</p> <p>21 -- He told you he was available to help;</p> <p>22 right?</p> <p>23 A. Correct.</p>

34 (Pages 133 to 136)

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 137</p> <p>1 Q. And he was always available to 2 help; correct?</p> <p>3 A. Not always.</p> <p>4 Q. For the most part?</p> <p>5 A. Correct.</p> <p>6 Q. Okay. And he told you Andras 7 would be available?</p> <p>8 A. He assigned Andras for one 9 day.</p> <p>10 Q. Okay. And you knew Chad Reese 11 was available?</p> <p>12 A. Correct.</p> <p>13 Q. Tell me the information that 14 you have from any source that Euro-Pro's 15 decision to terminate your employment was 16 based on your race.</p> <p>17 A. Any information I have?</p> <p>18 Q. Yeah. From any source that 19 makes you think that Euro-Pro's decision was 20 in any way based on your race?</p> <p>21 A. I don't have any information.</p> <p>22 Q. The only claim that you're 23 making in this lawsuit of discrimination is</p>	<p style="text-align: right;">Page 139</p> <p>1 Q. Oh, was she on life testing?</p> <p>2 A. No.</p> <p>3 Q. What was she in?</p> <p>4 A. She was a lab technician. She 5 worked inside the lab.</p> <p>6 Q. Oh, so, she wasn't considered 7 in either of those other two categories?</p> <p>8 A. What other two categories?</p> <p>9 I'm sorry.</p> <p>10 Q. I said cleanability or life 11 testing -- life cycle testing.</p> <p>12 A. No.</p> <p>13 Q. All right. What performance 14 problems are you claiming that she had -- 15 Well, tell me in which way you believe she 16 was treated more favorably than you.</p> <p>17 A. I believe that she would come 18 in late every day, almost every day, five, 19 ten, fifteen, twenty minutes late. And 20 she's never got -- I don't believe, I don't 21 know that she got written up or anything for 22 that.</p> <p>23 She also got caught numerous</p>
<p style="text-align: right;">Page 138</p> <p>1 that this -- that your termination was 2 unfair and based on your race; correct?</p> <p>3 A. Correct.</p> <p>4 Q. Are you aware of any white 5 employees who did the same things you did, 6 and was similarly situated to you, who was 7 treated more favorably than you?</p> <p>8 A. Yes.</p> <p>9 Q. Who is that?</p> <p>10 A. I believe that Ashley 11 Sheffield was treated more favorably than 12 me.</p> <p>13 Q. Anybody else?</p> <p>14 A. No.</p> <p>15 Q. Okay. Now, Ashley Sheffield, 16 was she an hourly employee or salaried 17 employee?</p> <p>18 A. Salary, I believe.</p> <p>19 Q. She was a technician?</p> <p>20 A. Yes.</p> <p>21 Q. All right. And she was in 22 cleanability; right?</p> <p>23 A. No.</p>	<p style="text-align: right;">Page 140</p> <p>1 times on the Internet. I never knew that 2 she ever got written up or anything after 3 that.</p> <p>4 Q. Do you know one way or the 5 other whether she was ever spoken to by 6 management about what you say is coming in 7 late every day?</p> <p>8 A. I think she was spoken to by 9 management once.</p> <p>10 Q. Okay. Are you aware of that 11 ever being a problem after that?</p> <p>12 A. Yes. If she continued.</p> <p>13 Q. Did you keep up with her when 14 she started and when she stopped each day?</p> <p>15 A. No.</p> <p>16 Q. Did you supervise her?</p> <p>17 A. No.</p> <p>18 Q. Were you in the same area as 19 her?</p> <p>20 A. No.</p> <p>21 Q. Are you aware of her ever 22 being spoken to about being on the Internet?</p> <p>23 A. Yes.</p>

35 (Pages 137 to 140)

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FREEDOM COURT REPORTING

Page 141

1 Q. Are you aware of her ever
2 doing it after that?
3 A. Yes.
4 Q. All right. Did you -- But you
5 didn't work in the same department as she
6 did?
7 A. No.
8 Q. Are you aware of it ever
9 affecting the performance of her job?
10 A. No.
11 Q. Are you aware of what her
12 performance evaluations were like, in terms
13 of how she was performing her job?
14 A. No.
15 Q. All right. Any other white
16 employees that you're aware of who you would
17 say had performance issues or violated rules
18 and that weren't terminated?
19 A. Not that I'm aware of, no.
20 Q. Did anyone ever tell you that
21 race was a factor in the company's decision
22 to terminate your employment?
23 A. I don't think I understand the

Page 142

1 question.
2 Q. Well, do you have any
3 information from any other source, whether
4 you know it or whether someone else knows
5 it, that leads you to think that race had
6 anything to do with your termination?
7 A. I think so, yes.
8 Q. Yeah, but -- And I'm asking
9 you, do you have any basis for saying that,
10 other than just your subjective belief and
11 what you told me about Ashley Sheffield
12 being moved into the position after that?
13 A. No. Not at this time, no.
14 Q. Is there any other way in
15 which you believe Euro-Pro discriminated
16 against you on the basis of race at any
17 time?
18 A. No.
19 Q. Are you aware who took your
20 place at Euro-Pro?
21 A. No.
22 Q. Do you even know if you were
23 replaced?

Page 143

1 A. I was told when I was fired I
2 was going to be replaced by an engineer.
3 Q. That was in that meeting with
4 Terry Robertson and Chad Reese?
5 A. Yes.
6 Q. You never complained to
7 Euro-Pro about race discrimination at any
8 time during your employment, did you?
9 A. No.
10 Q. Did you ever tell jokes in the
11 workplace, jokes of a racial nature?
12 A. No.
13 Q. Did you ever tell them outside
14 the work place, but with folks that you
15 worked with?
16 A. No.
17 Q. Do you use the "N" word, ever?
18 A. No.
19 Q. Have you ever?
20 A. I'm sure I have said it. I've
21 said it in this deposition before.
22 Q. Other than this deposition?
23 A. Yeah. Yes.

Page 144

1 Q. You use it with your -- Have
2 you used it with your friends?
3 A. No.
4 Q. When is it that you have used
5 it?
6 A. If it's in context when the
7 "N" word has been used or -- I don't call my
8 friends the "N" word. I don't do that. But
9 if it's a subject matter that's dealing with
10 the "N" word, I have used it.
11 Q. Have you talked with your
12 friends about the Dave Chappelle Show?
13 A. No.
14 Q. Did you talk with Ashley
15 Sheffield and other coworkers about the Dave
16 Chappelle Show fairly regularly while it was
17 on TV?
18 A. No.
19 Q. Was that a common subject
20 amongst the employees at the office, whether
21 you were a part of it or not, about the Dave
22 Chappelle Show?
23 A. It was a common subject with

36 (Pages 141 to 144)

FREEDOM COURT REPORTING

Page 145	Page 147
<p>1 Ralph, but it wasn't a common subject with 2 the employees of the company. 3 Q. Was it a common subject with 4 anybody other than Ralph that you're aware 5 of? 6 A. No. 7 Q. Did you ever tell a friend or 8 coworker that you used to be a racist 9 yourself? 10 A. No. 11 Q. Where are you employed? 12 A. Hyundai Motor Company. 13 Q. Did you say Hyundai? 14 A. Yes. 15 Q. Where is Hyundai? 16 A. Montgomery, Alabama. 17 Q. What do you do for them? 18 A. I am a production worker. 19 Q. When did you get that job? 20 A. The exact date, April the 11th 21 of 2005. 22 Q. Okay. And you've been there 23 since that -- Let's see. April 11th. So</p>	<p>1 So that's not a correct average -- I mean, 2 every other Saturday. I'm sorry. I'd say 3 approximately ten. 4 Q. Did you -- Where did you go to 5 work after you were let go at Euro-Pro? 6 A. I didn't. I went to work at 7 Hyundai after I left Euro-Pro, four months 8 after. 9 Q. Okay. Did you file for 10 unemployment? 11 A. Yes. 12 Q. Did you get it? 13 A. Yes. 14 Q. Did you tell the truth on your 15 unemployment application? 16 A. Unemployment application? 17 Q. Unemployment application. 18 A. Yes. 19 Q. As to the reason for your 20 discharge? 21 A. I believe so, yes. 22 Q. What did you put? 23 A. I put -- I think I put</p>
Page 146	Page 148
<p>1 you've been there a little over a year? 2 A. Yes. 3 Q. What do you do -- Oh, you're a 4 production worker. What do you make, 5 annualized? 6 A. Annually? 7 Q. Yeah. How are you paid, by 8 the hour or salary? 9 A. Hourly, I make 18.65. I don't 10 -- Not exactly that. I don't know the exact 11 cent. 12 Q. 18.65, something like that? 13 A. Yes. 14 Q. Per hour? 15 A. Yes. 16 Q. Do you work overtime? 17 A. Yes. 18 Q. How many hours do you average 19 of overtime a week? 20 A. Average a week is fourteen. 21 Q. Fourteen hours of overtime a 22 week, you average? 23 A. We work every other Sunday.</p>	<p>1 terminated. 2 Q. Did you state what the reason 3 was? 4 A. Yeah. I explained the reason, 5 yes. 6 Q. How did you explain it? 7 A. That I was terminated because 8 that my boss wanted an engineer for the 9 project. Actually, I think it was a -- It 10 was a question. And he questioned me -- 11 talked to me about that situation. 12 Q. Did you get unemployment? 13 A. Yes. 14 Q. But you probably didn't get 15 the full six months, right, because you 16 found a job? 17 A. Yes. 18 Q. You got it up until you 19 found -- 20 A. Exactly. 21 Q. You got benefits until you got 22 employed? 23 A. Exactly.</p>

37 (Pages 145 to 148)

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FREEDOM COURT REPORTING

Page 149	Page 151
<p>1 Q. Did you look for employment 2 right after you were let go? 3 A. Yes. 4 Q. How many places did you look 5 for employment? 6 A. The unemployment office, for 7 one. I'd go there every day, almost. 8 Q. Did you fill out any 9 applications for jobs? 10 A. Yes. 11 Q. Where? 12 A. I'm not sure. 13 Q. What kinds of jobs were you 14 looking for? 15 A. Technician. 16 Q. Were you waiting until you 17 found a technician job to take a job at 18 first? 19 A. At first, yes. 20 Q. Did you apply for any 21 technician jobs? 22 A. I think so. 23 Q. Do you have a copy of your</p>	<p>1 all. 2 Q. When did the sleepless nights 3 end? 4 A. Immediately -- Well, I'm 5 sorry. I don't recall when they ended. 6 Q. Before you found your job at 7 Hyundai? 8 A. Around that time, yes. 9 Q. You never sought any 10 professional help for your emotional 11 distress, did you? 12 A. I sought the counsel of my 13 pastor. 14 Q. And who is he? 15 A. He was Pastor Freeman, Justin 16 Freeman. 17 Q. Is he deceased? 18 A. No. He's not my pastor -- 19 Q. I see. What church is that? 20 A. It's Greater Pine Hill Baptist 21 Church, in Penton, Alabama. 22 Q. In Penton? 23 A. Penton, Alabama.</p>
Page 150	Page 152
<p>1 applications? 2 A. No. 3 Q. Did you keep your -- Well, 4 does someone have your applications? 5 A. I imagine so. 6 Q. Who? 7 A. I don't remember all the 8 places I went to. 9 Q. Did you get on Monster or 10 anything like that? 11 A. I got on the Alabama 12 Unemployment Web page of employment. 13 Q. Did you get any interviews? 14 A. No. Other than Hyundai. 15 Q. Are you claiming that you 16 suffered any emotional distress based upon 17 Euro-Pro's decision to terminate your 18 employment? 19 A. Yes. 20 Q. All right. What kind of 21 distress have you had? 22 A. Sleepless nights, stress of 23 being unemployed, mentally stressed. That's</p>	<p>1 Q. You didn't seek the help of a 2 medical doctor, did you? 3 A. No. 4 Q. You didn't seek the help of a 5 psychiatrist or anyone like that, did you? 6 A. No. 7 Q. You never took any medication 8 for this distress, did you? 9 A. No. 10 Q. Do you -- How is it you say 11 that you were damaged by the decision -- by 12 Euro-Pro's decision to terminate your 13 employment? 14 A. I'm more on guard of white 15 employees, wondering if this person is after 16 me to get me fired or -- because I've never 17 been terminated. 18 Q. Okay. 19 A. And so I'm more -- I don't 20 look at white employees as -- I look at them 21 sometimes as they're out to get me, to be 22 honest. 23 Q. Are you claiming any monetary</p>

38 (Pages 149 to 152)

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FREEDOM COURT REPORTING

<p style="text-align: right;">Page 153</p> <p>1 damages as a result of your termination?</p> <p>2 A. Explain monetary.</p> <p>3 Q. Are you seeking any money from</p> <p>4 Euro-Pro?</p> <p>5 A. Whatever the Court decides the</p> <p>6 judgment would be, I will be -- whatever.</p> <p>7 Q. Are you claiming that you've</p> <p>8 suffered any damages, though, any monetary</p> <p>9 damages as a result of their termination</p> <p>10 decision?</p> <p>11 A. Any financial damage? Yes.</p> <p>12 Q. What's that?</p> <p>13 A. The lifestyle that I had</p> <p>14 before I got fired was ultimately changed.</p> <p>15 And I got in debt, which normally happens</p> <p>16 when a person is terminated. So my</p> <p>17 lifestyle change was different.</p> <p>18 Q. Okay. Are you claiming</p> <p>19 back-pay damages, is that what you're</p> <p>20 claiming?</p> <p>21 A. I don't know what you're</p> <p>22 asking. I mean --</p> <p>23 Q. Are you out any money, other</p>	<p style="text-align: right;">Page 155</p> <p>1 A. Me and Ashley Sheffield has</p> <p>2 talked about it before, yes.</p> <p>3 Q. How many times have you talked</p> <p>4 to Ashley?</p> <p>5 A. It was in the beginning,</p> <p>6 probably once or twice.</p> <p>7 Q. And what was said?</p> <p>8 A. I don't know exactly what was</p> <p>9 said.</p> <p>10 Q. Well, this was shortly after</p> <p>11 you were terminated?</p> <p>12 A. Exactly.</p> <p>13 Q. Okay. What did you tell her,</p> <p>14 or what did you ask her?</p> <p>15 A. I didn't ask her anything. I</p> <p>16 just told her what happened.</p> <p>17 Q. Okay.</p> <p>18 A. And that's all I can remember.</p> <p>19 Q. When is the last time you</p> <p>20 talked to Ashley?</p> <p>21 A. About three weeks ago.</p> <p>22 Q. Okay. And what did you talk</p> <p>23 to her about?</p>
<p style="text-align: right;">Page 154</p> <p>1 than the money that you claim you, I guess,</p> <p>2 would have made if you had remained</p> <p>3 employed?</p> <p>4 MR. LIGHTFOOT: John, I guess</p> <p>5 that's as much a question for you. I assume</p> <p>6 he's not, I just want to make sure.</p> <p>7 THE WITNESS: I don't</p> <p>8 understand what you're asking.</p> <p>9 MR. COTTLE: We're claiming</p> <p>10 any back pay for the time he was out and any</p> <p>11 other damages we're entitled to recover</p> <p>12 whether it, be it for mental anguish,</p> <p>13 punitive damages or what have you.</p> <p>14 MR. LIGHTFOOT: Okay.</p> <p>15 Q. Who have you talked to about</p> <p>16 this lawsuit, other than your lawyer, or</p> <p>17 about your claims or your complaints against</p> <p>18 Euro-Pro?</p> <p>19 A. I have friends and family I</p> <p>20 talk to.</p> <p>21 Q. Okay. Have you talked with</p> <p>22 any folks that either worked at Euro-Pro</p> <p>23 when you did, or work there now?</p>	<p style="text-align: right;">Page 156</p> <p>1 A. Her marriage. She talked to</p> <p>2 me about her husband. That's what we</p> <p>3 normally talk about.</p> <p>4 Q. Do you talk with her fairly</p> <p>5 regularly?</p> <p>6 A. We talk probably once or twice</p> <p>7 a month.</p> <p>8 Q. Have you asked her if she</p> <p>9 would be a witness for you in this lawsuit?</p> <p>10 A. No.</p> <p>11 Q. Have you talked with her about</p> <p>12 your claims?</p> <p>13 A. No. My claims? I don't</p> <p>14 understand what you mean.</p> <p>15 Q. Well, have you talked with her</p> <p>16 about the fact you're suing Euro-Pro for</p> <p>17 race discrimination?</p> <p>18 A. Yes, I talked to her that -- I</p> <p>19 told her that: Yes, that was going on, yes.</p> <p>20 Q. Have you talked with her about</p> <p>21 what facts she may know, if any, relating to</p> <p>22 this lawsuit?</p> <p>23 A. No.</p>

39 (Pages 153 to 156)

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FREEDOM COURT REPORTING

<p style="text-align: right;">Page 157</p> <p>1 Q. Have you talked with anyone 2 else that worked at Euro-Pro or that works 3 at Euro-Pro? 4 A. No. 5 MR. LIGHTFOOT: All right. 6 Can we take a break? 7 MR. COTTLE: Sure. 8 (Recess taken.) 9 Q. When you were made the lead -- 10 We talked about you being the lead person on 11 the evening shift. Were you the lead person 12 for all of cleanability? 13 A. Yes. 14 Q. So, you were sort of in charge 15 of getting out the assignments or -- 16 throughout all of cleanability; correct? 17 A. Yes. 18 Q. Which would include day shift 19 and -- first shift and second shift? 20 A. Yes. 21 Q. We talked earlier about the 22 altercation or disagreement that you had 23 with Sam Hickman. Do you remember talking</p>	<p style="text-align: right;">Page 159</p> <p>1 A. Correct. 2 Q. Do you know if that was just 3 stated or if it was in writing? 4 A. I'm not sure. 5 Q. And the break times were at 6 the midway point between the start of the 7 shift and the lunchtime, and then the 8 lunchtime and the end of the shift; correct? 9 A. Correct. 10 Q. You stated that you wanted -- 11 that you expected -- I'm sorry. 12 You stated that you needed 13 some engineering help doing your job in the 14 life cycle testing. Do you recall -- Do you 15 recall telling me that? 16 A. I needed an engineer to help 17 doing the steam cleaner. 18 Q. For the steam cleaner? 19 A. Right. Correct. 20 Q. All right. What did you 21 expect the engineer to do? 22 A. Consult and advise, and also I 23 needed some designs at that time for the</p>
<p style="text-align: right;">Page 158</p> <p>1 about that? 2 A. Yes. 3 Q. Do you recall if you spoke 4 with Ralph that day? 5 A. I can't recall. 6 Q. Okay. Have you ever said that 7 people say that you look like Dave Chappelle 8 to anybody? 9 A. I probably have, yes. 10 Q. Back when the evening shift 11 was going, the break times -- Let's see. 12 There were two break times and one 13 lunchtime; correct? 14 A. I think that's what it was, 15 yes. 16 Q. And the lunchtime would have 17 been right in the middle of the shift; 18 right? 19 A. Correct. 20 Q. And then the break time would 21 have been one fifteen-minute slot during the 22 first four hours and one fifteen-minute slot 23 during the last four hours; correct?</p>	<p style="text-align: right;">Page 160</p> <p>1 handle fixtures. 2 Q. Now, there were no existing 3 designs for the handle fixtures; right? 4 A. Correct. 5 Q. In fact, that's what you were 6 tasked with coming up with; correct? 7 A. I was tasked -- I wasn't 8 tasked to come up with the fixture designs 9 -- I don't think I understand your question. 10 Q. Were you tasked with handles 11 that worked right as a part of the design? 12 A. I was tasked with coming up 13 with fixtures. This was all worked out with 14 the independent contractors. They came up 15 with the designs and the schematics and also 16 the installation of what -- the installation 17 of the fixtures. 18 Q. Well, for the steam cleaner 19 fixture, there were no drawings that were 20 more detailed -- there were no schematics or 21 drawings that were more detailed than the 22 one drawing that we have on the sketch? 23 A. Correct.</p>

40 (Pages 157 to 160)

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FREEDOM COURT REPORTING

<p style="text-align: right;">Page 161</p> <p>1 Q. In fact, part of your job was</p> <p>2 to help create it so that there would be a</p> <p>3 design that would work for steam cleaners;</p> <p>4 correct?</p> <p>5 A. No.</p> <p>6 Q. That wasn't your job?</p> <p>7 A. Well, it was my job to come up</p> <p>8 with a solution. My job -- The independent</p> <p>9 contractors did all the blueprints and</p> <p>10 schematics for the steam cleaner fixtures.</p> <p>11 I expressed to Ralph and Terry I never did</p> <p>12 any kind of design. I'm not an engineer,</p> <p>13 I'm a technician.</p> <p>14 Q. Well, you understood going in</p> <p>15 that Euro-Pro was hiring you as a</p> <p>16 technician, and not hiring an engineer, to</p> <p>17 come up with this steam cleaner fixture?</p> <p>18 MR. COTTER: Going into what,</p> <p>19 now, his job or this project?</p> <p>20 MR. LIGHTFOOT: This project.</p> <p>21 Q. Going into this project, you</p> <p>22 understood that it was you, as a lab</p> <p>23 technician, that they were expecting to come</p>	<p style="text-align: right;">Page 163</p> <p>1 A. Correct.</p> <p>2 Q. That was the whole point;</p> <p>3 correct?</p> <p>4 A. I don't know what the whole</p> <p>5 point was. But I was designed for the -- I</p> <p>6 was put in -- tasked with that project, yes.</p> <p>7 Q. Ashley Sheffield was still a</p> <p>8 temp after you were made permanent; correct?</p> <p>9 A. Ashley Sheffield was already</p> <p>10 made permanent, I think, before I was made</p> <p>11 permanent.</p> <p>12 Q. Okay. Do you know if it was</p> <p>13 around the same time?</p> <p>14 A. I think it was actually the</p> <p>15 same time or the same actual week.</p> <p>16 Q. Sometime in April -- around</p> <p>17 April of '04?</p> <p>18 A. Correct.</p> <p>19 Q. Okay. And she was never the</p> <p>20 lead person at any time, was she?</p> <p>21 A. No.</p> <p>22 Q. And did you understand whether</p> <p>23 her pay was lower than yours or not?</p>
<p style="text-align: right;">Page 162</p> <p>1 up with this steam cleaning fixture, not an</p> <p>2 engineer; right?</p> <p>3 A. No. I did not understand</p> <p>4 that. I did not understand that was the</p> <p>5 reason -- That was not even the case. They</p> <p>6 knew that a technician that has no</p> <p>7 experience in this would not come up with a</p> <p>8 design for this.</p> <p>9 Q. What did you think your job</p> <p>10 was with regard to this steam clean fixture?</p> <p>11 It was to build it, wasn't it?</p> <p>12 A. It was to build it correctly.</p> <p>13 Q. Okay. And there was no</p> <p>14 schematic, in terms of how to take steps</p> <p>15 one, two, three, four or an already- ready</p> <p>16 drawing?</p> <p>17 A. An engineer does that.</p> <p>18 Q. All right. Was an engineer</p> <p>19 assigned to build that fixture or were you</p> <p>20 assigned to build that fixture?</p> <p>21 A. I was assigned that fixture, I</p> <p>22 was assigned that project, yes.</p> <p>23 Q. Not an engineer?</p>	<p style="text-align: right;">Page 164</p> <p>1 A. We don't -- We didn't talk</p> <p>2 about that.</p> <p>3 Q. You didn't talk about that</p> <p>4 with her?</p> <p>5 A. No.</p> <p>6 Q. When you were lead person over</p> <p>7 cleanability you had more responsibility</p> <p>8 than she did; correct?</p> <p>9 A. It's safe to say correct. I</p> <p>10 don't know what her responsibilities was.</p> <p>11 Q. Yeah. But even -- You knew</p> <p>12 you had more responsibility than she did?</p> <p>13 A. No, I didn't know what her</p> <p>14 responsibilities was. I knew what my</p> <p>15 responsibilities was.</p> <p>16 Q. Right.</p> <p>17 A. Right.</p> <p>18 Q. But you were giving out -- For</p> <p>19 instance, you were giving out assignments</p> <p>20 to, what, seven people; right?</p> <p>21 A. Correct.</p> <p>22 Q. And she didn't have anything</p> <p>23 like that? She didn't have responsibilities</p>

41 (Pages 161 to 164)

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FREEDOM COURT REPORTING

<p style="text-align: right;">Page 165</p> <p>1 like that, did she?</p> <p>2 A. No.</p> <p>3 Q. Okay. When you became the lab</p> <p>4 technician for the life cycle testing, you</p> <p>5 had more responsibility than Ashley</p> <p>6 Sheffield in her job, didn't you?</p> <p>7 A. I assume so, yes.</p> <p>8 Q. And you dealt with more</p> <p>9 projects than she did, didn't you?</p> <p>10 A. Correct.</p> <p>11 Q. And you had more experience</p> <p>12 than she did, didn't you?</p> <p>13 A. Correct.</p> <p>14 Q. And you had more education</p> <p>15 than she did, didn't you, at that time?</p> <p>16 A. No, I think, if my memory</p> <p>17 serves me correctly, we both had an</p> <p>18 associate's degree in technical engineering</p> <p>19 technology.</p> <p>20 Q. Do you remember going to the</p> <p>21 EEOC, Mr. Smith?</p> <p>22 A. Correct. Yes.</p> <p>23 Q. Did you tell the EEOC the</p>	<p style="text-align: right;">Page 167</p> <p>1 called in sick and never showed to work.</p> <p>2 More than five or six occasions I can think</p> <p>3 of off the top of my head. I'm pretty sure</p> <p>4 there was more.</p> <p>5 And any other job that I ever</p> <p>6 worked at, anybody that would show up late</p> <p>7 like that, and call in to work almost once a</p> <p>8 week or twice a week, would be terminated.</p> <p>9 Q. What time period -- Are you</p> <p>10 talking about when y'all were in</p> <p>11 cleanability together?</p> <p>12 A. When we was in cleanability</p> <p>13 together and also when I was in life</p> <p>14 testing.</p> <p>15 Q. Well, you said it happened</p> <p>16 five or six times. Are you talking about --</p> <p>17 A. I said off the top of my head.</p> <p>18 I'm pretty sure it's more than that.</p> <p>19 Q. Was that in cleanability?</p> <p>20 A. In cleanability and also when</p> <p>21 I was in life testing.</p> <p>22 Q. Okay. When you were in life</p> <p>23 testing, you were working a different area</p>
<p style="text-align: right;">Page 166</p> <p>1 truth when you gave them your charge?</p> <p>2 A. As far as I know, yes.</p> <p>3 Q. You're not claiming in this</p> <p>4 lawsuit, are you, that Dave Richards was</p> <p>5 treated more favorably than you, are you?</p> <p>6 A. David Richards, I believe so,</p> <p>7 yes.</p> <p>8 Q. Are you claiming he was a</p> <p>9 white employee that was treated more</p> <p>10 favorably than you?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Are there any other</p> <p>13 employees that you're claiming were treated</p> <p>14 more favorably than you?</p> <p>15 A. Not as I can remember, no.</p> <p>16 Q. Okay. So, are you claiming</p> <p>17 that Dave Richards or Ashley Sheffield was</p> <p>18 treated more favorable than you?</p> <p>19 A. Both.</p> <p>20 Q. All right. How is it that you</p> <p>21 allege that David Richards was treated more</p> <p>22 favorably than you?</p> <p>23 A. David Richards, numerous times</p>	<p style="text-align: right;">Page 168</p> <p>1 than he was; right?</p> <p>2 A. But I could see what's going</p> <p>3 on, yes.</p> <p>4 Q. You weren't his supervisor,</p> <p>5 were you?</p> <p>6 A. No.</p> <p>7 Q. Was he one of the employees</p> <p>8 that -- Was he in -- Was he in cleanability</p> <p>9 at the same time you were in cleanability,</p> <p>10 or was he hired later?</p> <p>11 A. Let me think. I'm not sure.</p> <p>12 Q. As far as you know, you were</p> <p>13 never over him?</p> <p>14 A. No.</p> <p>15 Q. You were not ever his</p> <p>16 supervisor or lead person?</p> <p>17 A. I don't think so.</p> <p>18 Q. Okay. So, the time we're</p> <p>19 talking about, when you say five or six</p> <p>20 times, then you're talking about when you</p> <p>21 were in life cycle and he was a temp in</p> <p>22 cleanability; is that correct?</p> <p>23 A. That's correct.</p>

42 (Pages 165 to 168)

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FREEDOM COURT REPORTING

<p style="text-align: right;">Page 169</p> <p>1 Q. Was he ever even made a 2 permanent employee while you were there? 3 A. I'm not sure when he was made 4 permanent. 5 Q. And his job certainly didn't 6 carry the responsibilities that yours did; 7 correct? 8 A. Correct. 9 Q. What was his job as a temp in 10 cleanability? 11 A. He recorded data, picked up 12 dirt and sand and -- off the vacuum -- off 13 of carpets and recorded the vacuum cleaner 14 results. 15 Q. The things you did, like, the 16 first month? 17 A. Correct. 18 Q. Any other reason that you 19 think -- that you claim that Mr. Richards 20 was treated more favorably than you? 21 A. Other than him being white, 22 no. 23 Q. Did you ever talk with any of</p>	<p style="text-align: right;">Page 171</p> <p>1 A. Correct. 2 Q. I believe you also told me 3 that you're not aware of any other racist 4 statements or jokes or comments that were 5 ever made by anyone while you were at 6 Euro-Pro; is that correct? 7 A. Not as I can recall, no. 8 Q. On your initial disclosures 9 you list James Lee, I guess he's the EEOC 10 investigator, as someone who may have 11 information that supports your claim. What 12 would -- What does James Lee have to say 13 about your claims, if you know? 14 A. I have no idea what you're 15 talking about. 16 MR. LIGHTFOOT: John, is he 17 just listed because he was the EEOC -- 18 MR. COTTLE: Yeah. I mean, 19 you know -- And that's a document I 20 prepared. Victor didn't have anything to do 21 with that, other than it's based on what he 22 told me. 23 I listed him out of abundance</p>
<p style="text-align: right;">Page 170</p> <p>1 his supervisors to know how they evaluated 2 his performance? 3 A. No. That's something that I 4 didn't -- That's none of my business. 5 Q. Did you ever talk to Ashley 6 Sheffield's supervisors to know how they 7 evaluated her performance? 8 A. No. 9 Q. Are you aware of either Ashley 10 Sheffield or Dave Richards telling their 11 supervisor they would do something and then 12 not doing it? 13 A. I'm not aware of that, no. 14 Q. Are you aware of Ashley 15 Sheffield or Dave Richards ever failing to 16 do a big project that they were assigned by 17 their supervisor in a timely and good 18 manner? 19 A. No. 20 Q. You told me about what you 21 claim was a -- you said a racially 22 inappropriate thing that you thought Ralph 23 Hudnall said to you. Do you remember that?</p>	<p style="text-align: right;">Page 172</p> <p>1 of precaution. I don't have any idea that 2 he knows anything more than -- I mean, he 3 obviously knows something about it because 4 he conducted an investigation. 5 Q. What were you making at 6 Euro-Pro at the time you were terminated? 7 A. Twenty-eight thousand, six 8 hundred. 9 Q. All right. I attached to your 10 deposition notice a request for production 11 of documents. Did you review those before 12 this deposition? 13 A. Yes. 14 Q. The requests? 15 A. Yes. 16 Q. Okay. As I understand from 17 John earlier, you don't have any responsive 18 documents except for tax returns, which 19 you'll be getting to me. So I just want to 20 make sure about that. 21 A. Okay. 22 Q. Sort of an overall question 23 that would cover a lot of these is: Do you</p>

43 (Pages 169 to 172)

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FREEDOM COURT REPORTING

<p style="text-align: right;">Page 173</p> <p>1 have any other documents which supports your</p> <p>2 claims of discrimination? I guess, what you</p> <p>3 -- Do you have any others?</p> <p>4 A. No.</p> <p>5 Q. No. All right. Do you have</p> <p>6 any diaries or audiotapes relating to your</p> <p>7 employment?</p> <p>8 A. No.</p> <p>9 Q. Do you have any documents in</p> <p>10 your possession that Euro-Pro gave you</p> <p>11 during your employment, at all?</p> <p>12 A. I'm not sure.</p> <p>13 Q. What documents might you have?</p> <p>14 A. Preemployment package of</p> <p>15 benefits. I know I think I do have those.</p> <p>16 Other than that, I don't think I have</p> <p>17 anything else.</p> <p>18 Q. How about relating to your job</p> <p>19 description or job performance or parts that</p> <p>20 you ordered, anything relating to</p> <p>21 performance?</p> <p>22 A. Other than the documents that</p> <p>23 you gave me, no, I don't have any other</p>	<p style="text-align: right;">Page 175</p> <p>1 unemployment office.</p> <p>2 Q. Did you work with a recruiting</p> <p>3 service or any kind of temporary agency --</p> <p>4 A. No.</p> <p>5 Q. -- to try to find a job?</p> <p>6 A. No.</p> <p>7 Q. What income did you have from</p> <p>8 the time that you left Euro-Pro until you</p> <p>9 began working at Hyundai?</p> <p>10 A. Unemployment.</p> <p>11 Q. You didn't work any jobs at</p> <p>12 all?</p> <p>13 A. No.</p> <p>14 Q. Where were you living at that</p> <p>15 time?</p> <p>16 A. In LaFayette, Alabama.</p> <p>17 Q. In where?</p> <p>18 A. LaFayette, Alabama.</p> <p>19 Q. And what, in a house, an</p> <p>20 apartment, or where?</p> <p>21 A. House.</p> <p>22 Q. Who did you live there with?</p> <p>23 A. I was living there with my</p>
<p style="text-align: right;">Page 174</p> <p>1 documents.</p> <p>2 Q. We talked about this a little</p> <p>3 bit. Applications that you would have had</p> <p>4 for jobs. You said you don't know if there</p> <p>5 are any that you still have after you were</p> <p>6 let go?</p> <p>7 A. I don't know if I ever had any</p> <p>8 applications, copies, that I applied for any</p> <p>9 jobs.</p> <p>10 Q. How many jobs did you apply</p> <p>11 for --</p> <p>12 A. I'm not sure.</p> <p>13 Q. -- from the time that you were</p> <p>14 let go, until you were hired at Hyundai?</p> <p>15 A. I'm not sure.</p> <p>16 Q. Less than ten?</p> <p>17 A. No. More than ten. I went</p> <p>18 down to the unemployment office every day.</p> <p>19 Q. I'm talking about that you</p> <p>20 actually applied for.</p> <p>21 A. I applied for some down there,</p> <p>22 too. Actually, I have my job at Hyundai</p> <p>23 because I applied for a job at the</p>	<p style="text-align: right;">Page 176</p> <p>1 grandparents. But at the time I got fired,</p> <p>2 I was living by myself.</p> <p>3 Q. Where? In LaFayette?</p> <p>4 A. In LaFayette, Alabama.</p> <p>5 Q. At where?</p> <p>6 A. What you mean?</p> <p>7 Q. At a house?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. But it wasn't at your</p> <p>10 grandparents' house?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. During the entire time</p> <p>13 you worked at Euro-Pro, just tell me where</p> <p>14 you lived, please.</p> <p>15 A. With my grandparents in my</p> <p>16 grandparents' house.</p> <p>17 Q. In LaFayette?</p> <p>18 A. In LaFayette. My granddaddy</p> <p>19 passed on in February and my grandmother</p> <p>20 passed on in October. That's why I was</p> <p>21 taking vacation.</p> <p>22 Q. Okay. Your grandfather passed</p> <p>23 away in early --</p>

44 (Pages 173 to 176)

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FREEDOM COURT REPORTING

Page 177	Page 179
<p>1 A. In February.</p> <p>2 Q. -- February? And did some of</p> <p>3 the Euro-Pro employees come to the funeral?</p> <p>4 A. Correct.</p> <p>5 Q. Who came?</p> <p>6 A. They came to the wake.</p> <p>7 Q. To the wake. I'm sorry. Who</p> <p>8 came to the wake?</p> <p>9 A. Mason.</p> <p>10 Q. Mason.</p> <p>11 A. Brian.</p> <p>12 Q. Brian McGee?</p> <p>13 A. Yes.</p> <p>14 Q. Okay.</p> <p>15 A. I think Eric, but I'm not</p> <p>16 sure.</p> <p>17 Q. Eric?</p> <p>18 A. I don't know Eric's last name.</p> <p>19 Q. Do you know Mason's last name?</p> <p>20 A. No.</p> <p>21 Q. Did you ever go over to Ralph</p> <p>22 Hudnall's house?</p> <p>23 A. Yes.</p>	<p>1 A. I'm pretty sure it was.</p> <p>2 Q. Was that in '03?</p> <p>3 A. It was right after I got</p> <p>4 hired, I think.</p> <p>5 Q. Yeah. So it would have been</p> <p>6 '03, if it was the Christmas party, I guess.</p> <p>7 Have you ever been convicted</p> <p>8 of a crime?</p> <p>9 A. Yes.</p> <p>10 Q. What was that?</p> <p>11 A. In 1991 or '92, for DUI.</p> <p>12 Q. Which county?</p> <p>13 A. San Diego County.</p> <p>14 Q. Is that in California?</p> <p>15 A. California.</p> <p>16 Q. Is that while you were in the</p> <p>17 Navy?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Did you ever serve any</p> <p>20 time?</p> <p>21 A. Overnight.</p> <p>22 Q. Any other convictions?</p> <p>23 A. Gadsden, Alabama. Public</p>
Page 178	Page 180
<p>1 Q. For what?</p> <p>2 A. We was having a -- I think it</p> <p>3 was a Christmas party. And I didn't want to</p> <p>4 drive all the way back home. He let me come</p> <p>5 over and change clothes -- take a shower and</p> <p>6 change clothes.</p> <p>7 Q. Did you appreciate him doing</p> <p>8 that?</p> <p>9 A. Correct.</p> <p>10 Q. Did you consider him a friend</p> <p>11 through work?</p> <p>12 A. I considered him an associate,</p> <p>13 yes.</p> <p>14 Q. An associate?</p> <p>15 A. I mean --</p> <p>16 Q. I mean, were y'all on friendly</p> <p>17 terms?</p> <p>18 A. We was on -- Yes, yes.</p> <p>19 Q. I mean, you didn't hesitate to</p> <p>20 go to his house and shower, did you?</p> <p>21 A. After I asked him, no.</p> <p>22 Q. And when was that? You said</p> <p>23 it was a Christmas party?</p>	<p>1 intoxication.</p> <p>2 Q. When was that, approximately?</p> <p>3 A. '97. Around '97, '98.</p> <p>4 Q. Where were you when you were</p> <p>5 arrested?</p> <p>6 A. At a nightclub.</p> <p>7 Q. Were you incarcerated?</p> <p>8 A. Overnight.</p> <p>9 Q. Any other convictions?</p> <p>10 A. No.</p> <p>11 Q. Did you keep a copy of the</p> <p>12 documents that you sent the EEOC?</p> <p>13 A. I think so.</p> <p>14 MR. LIGHTFOOT: Will you get</p> <p>15 me those, please, along with the tax</p> <p>16 returns, John?</p> <p>17 MR. COTTLE: What documents</p> <p>18 did you send to the EEOC?</p> <p>19 THE WITNESS: I did not send</p> <p>20 anything to the EEOC.</p> <p>21 A. You asked me did I keep the</p> <p>22 documents that the EEOC or that I sent the</p> <p>23 EEOC?</p>

45 (Pages 177 to 180)

367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

FREEDOM COURT REPORTING

Page 181

1 Q. Oh, I asked you that you sent
2 the EEOC.
3 A. Oh, no. I don't have any
4 documents that I sent the EEOC.
5 Q. Okay. You kept some documents
6 they sent you?
7 A. Correct. I'm sorry. I
8 misunderstood the question.
9 MR. LIGHTFOOT: Same thing,
10 though, John, would you produce those as
11 well.
12 MR. COTTLE: I produced that.
13 I mean, all I have is --
14 MR. LIGHTFOOT: The Right To
15 Sue Notice.
16 MR. COTTLE: Yeah. That's all
17 I've got. Now, I've got some
18 correspondence. I might not have given you
19 this. I don't know.
20 MR. LIGHTFOOT: Okay.
21 MR. COTTLE: Let me just let
22 you look at it.
23 MR. LIGHTFOOT: Sure.

Page 182

1 MR. COTTLE: And I'll copy it
2 right now if you don't have it.
3 MR. LIGHTFOOT: Sure. These
4 are just from the Venable firm?
5 MR. COTTLE: Yes. I think she
6 copied Mrs. Rozenzweig with all that stuff.
7 MR. LIGHTFOOT: Oh, yeah. I
8 forgot about that.
9 MR. COTTLE: I don't if
10 there's anything in there that's -- I'll be
11 glad to copy that if you want it, if you
12 don't have it.
13 MR. LIGHTFOOT: Yeah, who --
14 John, this may be the same -- Yeah. I don't
15 need that. Thanks.
16 Q. Which employee did your lawyer
17 contact? Which former coworker of yours did
18 your employer contact -- did your lawyer
19 contact?
20 A. I think he contacted Ashley
21 Sheffield.
22 Q. Are you aware of him
23 contacting any others?

Page 183

1 A. No.
2 MR. COTTLE: I can tell you
3 that I did not, after I had a conversation
4 about that with Ms. Rozenzweig.
5 MR. LIGHTFOOT: All right.
6 Why don't you give me a few minutes. I
7 think I'm very close.
8 (Recess taken.)
9 MR. LIGHTFOOT: My question,
10 John, this is as much for you. I think
11 we've already -- I know we've already
12 covered it, I just want to make doubly sure.
13 I asked him if this was his only claim of
14 discrimination, of race discrimination and
15 he said yes. And I -- There's no claim of
16 racial harassment, hostile environment.
17 I've not seen that anywhere or seen that
18 claim nor heard that claim, but I just want
19 to make sure.
20 MR. COTTLE: Well, we're not
21 really making it, no.
22 Q. Okay. All right. Mr. Smith,
23 you talked about one time when you asked

Page 184

1 Andras for help, and you said that was only
2 one day and then after that day he was
3 unavailable. Do you remember telling me
4 that?
5 A. Correct.
6 Q. Okay. Did you ever ask Andras
7 for help again after that time?
8 A. I think I -- I think I did,
9 yes.
10 Q. And did he help you?
11 A. Actually, Andras told me that
12 Ralph told him that I was to do the job
13 myself.
14 Q. Okay. But did you ever ask
15 him again?
16 A. He have helped me after that,
17 yes.
18 Q. He still helped you after that
19 time?
20 A. Occasionally.
21 Q. Occasionally? Three to five
22 times?
23 A. Once or twice.

46 (Pages 181 to 184)

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 185</p> <p>1 Q. Was there ever a time after 2 that, after he told you that Ralph had said 3 you need to do it on your own or whatever, 4 and you said he helped you occasionally, was 5 there ever a time after that time that you 6 asked him for help that he didn't help you? 7 A. Yes. 8 Q. When? 9 A. I can remember asking him for 10 his opinion on certain things and he told me 11 he was busy doing something else. 12 Q. Oh, okay. 13 A. I don't know actually the 14 dates. 15 Q. Okay. But he never refused to 16 help you again unless he was -- I mean, in 17 other words, sort of for a reason other than 18 being busy; correct? 19 A. Correct. 20 Q. To be clear on that, so even 21 after he said to you: Ralph said you kind 22 of need to figure it out on your own, even 23 after he said that to you, he still helped</p>	<p style="text-align: right;">Page 187</p> <p>1 A. Yes. 2 MR. LIGHTFOOT: No further 3 questions. Thank you. 4 MR. COTTLE: No questions. 5 (The deposition was concluded at 2:52 p.m., 6 May 24, 2006.) 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23</p>
<p style="text-align: right;">Page 186</p> <p>1 you out occasionally. 2 There were times when you 3 asked him for help after that and he would 4 say: I can't right now, I'm too busy. But 5 he never turned you down and refused to help 6 you unless he was busy, as far as you know? 7 A. There was times that I got the 8 feeling that he didn't want to help me, so I 9 stopped asking him for help. 10 Q. And on the times where you 11 didn't ask Andras for help, you were always 12 able to ask Chad or Ralph if you needed 13 help; correct? 14 A. Correct. 15 Q. Or Brian, you were also able 16 to ask Brian for help? 17 A. I've asked Brian, yes. 18 Q. Have you told me today every 19 piece of information that you're aware of 20 that supports your claim in this lawsuit 21 that Euro-Pro discriminated against you on 22 the basis of race, in terminating your 23 employment?</p>	<p style="text-align: right;">Page 188</p> <p>1 REPORTER'S CERTIFICATE 2 STATE OF ALABAMA, 3 ELMORE COUNTY, 4 I, Angela Smith, Registered 5 Professional Reporter and Commissioner for 6 the State of Alabama at Large, do hereby 7 certify that the above and foregoing 8 proceeding was taken down by me by 9 stenographic means, and that the content 10 herein was produced in transcript form by 11 computer aid under my supervision, and 12 that the foregoing represents, to the best 13 of my ability, a true and correct 14 transcript of the proceedings occurring on 15 said date and at said time. 16 I further certify that I am neither 17 of kin nor of counsel to the parties to the 18 action; nor in any manner interested in the 19 result of said case. 20 21 22 23</p> <p style="text-align: right;">Angela Smith, RPR, CRR, for the State of Alabama at Large.</p>

47 (Pages 185 to 188)

367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

FREEDOM COURT REPORTING

Page 189

A	al 1:9 4:8	answered 89:7	approximately	142:11
ability 188:13	Alabama 1:2	anybody 51:5	19:4 22:16	144:14 155:1
able 49:7 106:9	1:18 4:2,15	51:12 52:10	24:19 49:12	155:4,20
186:12,15	4:19 5:3,9	52:15,15	50:8 60:11	163:7,9 165:5
abundance	8:17 14:1,2	57:17 60:4,5	61:20 67:11	166:17 170:5
171:23	17:13 24:22	60:7 62:23	109:19 147:3	170:9,14
abusing 45:20	145:16	69:8 98:4	180:2	182:20
acceptable	150:11	123:9 128:3	April 8:11	asked 36:11
44:10	151:21,23	138:13 145:4	67:20 145:20	43:17 51:21
accident 135:5	175:16,18	158:8 167:6	145:23	62:20,22,23
accomplished	176:4 179:23	anymore 43:15	163:16,17	65:6 81:1,14
79:8	188:2,6,23	44:9	area 25:19	86:19 87:6
acting 5:3	allege 166:21	anyway 36:15	55:23 65:11	107:11
action 188:18	Allison 62:15	apartment	67:18 71:13	112:19
activity 45:16	62:22,23	8:17 175:20	118:18 124:2	113:12
actual 22:3	63:13	apparent	124:19	115:15
163:15	allow 129:1	103:4	125:20 126:6	119:18,18
added 38:20	allowed 46:15	APPEARAN...	126:9,10,13	122:14 126:7
39:15	altercation	4:12	126:16,17,19	129:23
adding 71:19	40:23 157:22	appearing 4:15	127:2,10,12	136:13 156:8
additional 91:7	amount 106:19	4:20	127:15,17,19	178:21
address 8:15	amounts 39:5	application	128:1,10,12	180:21 181:1
advance 68:12	AmSouth/H...	147:15,16,17	128:16,16,18	183:13,23
advise 159:22	4:19	applications	129:3,23	185:6 186:3
affidavit 10:3	Andras 73:23	149:9 150:1,4	140:18	186:17
agency 10:21	74:3,11,13,18	174:3,8	167:23	asking 6:11
10:21 27:15	74:22 76:3	applied 16:11	areas 36:7	7:19 8:1 35:6
27:18,21 28:7	81:3 93:14	174:8,20,21	72:19 73:1	35:8 64:13
28:17,18 31:4	136:18 137:6	174:23	105:9,13	73:6 91:17
40:11 175:3	137:8 184:1,6	apply 23:4	125:21	120:1 142:8
ago 155:21	184:11	149:20	128:14 129:4	153:22 154:8
agreed 1:13	186:11	174:10	armament	185:9 186:9
2:2,9,18	Angela 1:16	appreciate	16:4	assessment
79:11,23	4:11 5:2	178:7	arose 112:6	90:14
90:13 93:1	188:4,22	approach 95:5	arrested 180:5	assign 2:13
104:21	anguish 154:12	appropriate	Ashley 51:8	assigned 77:9
114:10	annualized	37:7,9 65:9	52:11,19	90:21 137:8
119:11	146:5	79:12	57:20 58:1	162:19,20,21
120:13	Annually	appropriately	60:12 63:4,9	162:22
ahead 79:17	146:6	92:19	63:10,15	170:16
aid 188:11	answer 6:14,19	appropriate...	64:23 65:3,4	assignments
air 82:20	6:22 7:22	64:19	65:8 93:14	122:2 157:15
airport 18:14	22:17 62:1	approximate	97:15 135:5,6	164:19
airports 20:4,7	98:18 119:21	109:20	138:10,15	associate 16:10

367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

FREEDOM COURT REPORTING

Page 190

178:12,14 associate's 13:12 15:8 16:7 165:18 assume 7:23 11:5 154:5 165:7 assure 66:20 Atlanta 14:9 attached 172:9 attack 119:4 AT&T 21:20 21:21 Auburn 31:8 120:15 audiotapes 173:6 August 28:2 101:14 103:3 104:6,7,14 automated 78:1 123:3 available 58:10 58:13 74:1,3 74:3,4,8,9,12 74:18,22,23 75:2,9,11,23 76:2,3,13,16 76:18,20 115:1 136:21 137:1,7,11 Avenue 1:18 4:14 5:8 average 146:18 146:20,22 147:1 aviation 19:21 aware 97:20 98:2,4,5 111:2 112:8 116:2 120:20 138:4 140:10 140:21 141:1 141:8,11,16	141:19 142:19 145:4 170:9,13,14 171:3 182:22 186:19 a.m 5:10 87:3 <hr/> B B 4:17 back 13:16 15:20 24:23 27:7,23 37:21 66:1,6,13 93:21 111:15 124:20 154:10 158:10 178:4 background 20:9 backwards 87:18,20 back-pay 153:19 bad 21:1 ball 82:19,21 ballpark 49:18 Baptist 151:20 Barbara 128:7 base 22:2 135:3 based 18:20 37:6 68:6 73:14 137:16 137:20 138:2 150:16 171:21 basic 84:1 basically 32:2 66:11 67:22 85:2 basics 84:17 basis 76:9 103:7 142:9 142:16	186:22 Baton 24:12,15 24:17 bay 115:19 bed 119:13 began 30:22 33:10 70:23 75:3 175:9 beginning 5:9 68:10 74:4,16 75:8 85:15 92:10 109:7,9 111:8,17 155:5 behalf 4:15,20 belief 142:10 believe 25:14 25:16 36:14 59:2,5,11 89:14 138:10 138:18 139:15,17,20 142:15 147:21 166:6 171:2 believed 59:4 bench 20:22 benefits 148:21 173:15 best 80:20 133:7 134:4 188:12 better 19:9 20:13 21:13 114:9,11 119:11 120:13 128:18 beyond 36:12 big 78:2 170:16 biggest 14:8 Birmingham 4:19	birth 8:9,10 bit 74:7 134:18 174:3 black 51:19 56:7 63:1,6 blame 126:12 blaming 109:10 110:22 blind 51:18 54:21 55:20 56:7 Blue 9:10,12 blueprints 161:9 board 20:23 78:22 boards 21:1,1 21:2 bonus 93:6 94:17,18,20 94:22 95:1,3 97:4,10,11,13 97:17 100:5,9 100:11,13,20 bonuses 93:9 97:1,21 98:2 98:4,10,14 99:1 boss 58:12 148:8 bothered 58:8 bottom 29:17 Bowles 1:17 4:13 5:8 boyfriend 63:11 break 6:16 44:21 45:5 46:4 60:22 61:1,3,8,14 64:12 74:6 157:6 158:11 158:12,20	159:5 breaks 61:3,4 Brian 76:5 91:17 92:3,8 92:9,15 177:11,12 186:15,16,17 brought 10:13 50:21 BTS 21:20 22:1 budget 130:11 133:5 build 81:15 82:16 83:7 107:9 136:7 162:11,12,19 162:20 building 74:18 78:1 built 121:18 bull 95:17 96:15 bullet 90:20 91:1,5 burned 134:11 business 45:6 45:17 46:14 46:17 60:16 64:9,15 115:16,21 119:7 170:4 busy 185:11,18 186:4,6 buy 88:5 113:8 114:8,11 127:23 B-L-U-E 9:13 <hr/> C California 179:14,15 call 16:7 23:21 36:12 37:1
---	---	---	---	---

FREEDOM COURT REPORTING

Page 191

40:21 60:11	certain 35:4	178:5,6	clarify 7:19	clearly 7:14
60:23 61:22	128:15	changed	clean 36:7	83:8
62:3 64:20	185:10	153:14	124:2,9,19	close 103:8
65:10 76:7	certainly 58:5	changes 87:11	126:10,11,17	183:7
96:22 116:10	86:10 126:15	Chappelle 50:1	126:20 127:3	clothes 178:5,6
116:13 144:7	169:5	50:5,13,16,23	127:15,17,19	code 118:18
167:7	CERTIFIC...	51:4,7,9,18	128:1,10,12	college 15:5
called 18:19	188:1	52:6 54:9	128:15,16	18:3,12 30:9
30:10,11	certify 5:4	55:6,9,16	129:3 162:10	30:13
60:14 61:9,15	188:7,16	56:5,13 57:4	cleanability	come 41:3 42:9
63:15 65:5	Chad 3:15	57:14 59:20	31:9,13,16,19	51:6 65:21
77:5 116:8	42:17 47:14	144:12,16,22	32:3,21 65:11	67:3 78:9
129:14 167:1	58:21 59:3,12	158:7	71:13 138:22	93:21 124:20
calling 60:16	59:14 63:15	Chappelle's	139:10	129:10
116:14,20	66:7 70:17	54:1,4	157:12,16	139:17 160:8
117:18,23	73:23 74:2,8	charge 10:14	164:7 167:11	161:7,17,23
calls 44:20	74:9 77:15,21	10:15 36:22	167:12,19,20	162:7 177:3
capabilities	78:12 80:6	157:14 166:1	168:8,9,22	178:4
135:12	81:23 82:1,6	children 9:17	169:10	coming 82:19
car 22:5	82:8,10,15	chips 23:20,20	cleaner 32:5	103:8 140:6
care 115:17,21	83:3,5,8,8	Christmas	77:10 78:2	160:6,12
careful 63:20	86:17,19 88:2	178:3,23	81:17 92:13	comment
64:3 66:19	88:4,9 89:5,8	179:6	92:15 101:6	59:15,17,19
Carmichael	106:16,19,22	church 151:19	102:17	comments
8:16	107:4,23	151:21	105:18 114:4	48:19 50:1
Carolina 9:15	108:2,6,23	city 14:8	123:6,16	52:13 57:13
carpet 31:22	109:8,11,13	Civil 5:5	130:6 135:8	58:3 132:22
31:23,23	109:14 110:2	claim 137:22	159:17,18	133:2 171:4
carpets 169:13	110:20,23	154:1 169:19	160:18	Commissioner
carry 169:6	118:3,20	170:21	161:10,17	2:19 4:11 5:4
case 1:5 4:4	119:6 128:22	171:11	169:13	188:5
162:5 188:19	128:23	183:13,15,18	cleaners 102:8	common
categories	129:17	183:18	102:13	144:19,23
139:7,8	137:10 143:4	186:20	110:23 111:7	145:1,3
caught 139:23	186:12	claiming 115:8	112:7 114:2	communicate
cause 5:11	Chad's 88:3	136:3 139:14	132:23 161:3	7:2
41:22,23	107:8	150:15	cleaning 3:13	communicati...
99:15	chair 41:4,12	152:23 153:7	125:3 162:1	93:5
cell 22:3,3,4,6	challenge 68:8	153:18,20	clear 11:5,14	Community
22:7	challenged	154:9 166:3,8	35:15 55:8	15:4
censor 114:8	39:18	166:13,16	75:15,18	company
117:12 119:9	Chambers	claims 154:17	83:11,13	11:19 12:2
119:10 120:9	26:23 27:2	156:12,13	110:21	18:19 23:1,16
cent 146:11	change 153:17	171:13 173:2	185:20	33:11 40:10

367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

FREEDOM COURT REPORTING

Page 192

67:14 68:13	114:23	160:14 161:9	95:8 96:6,7	188:13
101:23	consider	control 16:17	98:7,11,16,20	correctly 11:22
120:14,21	178:10	18:12 19:9,12	98:21 100:19	38:4 65:8
145:2,12	considered	21:1 30:17	101:7,8 102:2	71:2 122:4
company's	139:6 178:12	105:21,22	102:5,9	162:12
141:21	consisted 12:9	106:2	104:15,17,18	165:17
compared	construct	controls 30:8	104:20,22	corresponde...
105:1	111:16	conversation	105:6,7,10,11	181:18
compensated	constructed	56:1,9 61:11	105:14,15,18	cost 130:9,12
34:14,20	102:18	61:17 62:14	105:19,22,23	134:8,8
compensatio...	constructing	64:23 66:14	106:3,13,22	costing 133:4
34:7	111:6	103:12	107:3,13,15	COTTER
complain	construction	113:20	109:11	161:18
52:10,15	110:3,7,22	132:12 183:3	112:21,22	Cottle 1:17
57:17	111:3 112:6,9	conversations	113:2 114:2,3	4:13,14 5:8
complained	consult 86:1	64:20	115:3 116:9	5:18 12:4,7
55:7 143:6	159:22	convicted	117:5,6	12:16,20
complaint	consulted 88:4	179:7	118:14,15	25:14 70:4,8
10:22	106:15	convictions	120:2,3,5,10	72:20 86:8
complaints	107:22 108:2	179:22 180:9	121:15 124:2	87:19 98:17
154:17	contact 182:17	COOPER 4:18	124:3,5,6,10	107:17 118:4
complete 79:8	182:18,19	copied 182:6	124:12,13	154:9 157:7
completed	contacted	copies 174:8	125:6,7,9,12	171:18
101:7,15	182:20	copy 149:23	126:17 127:3	180:17
102:1	contacting	180:11 182:1	127:21 128:2	181:12,16,21
completing	182:23	182:11	129:7,9 131:7	182:1,5,9
130:5	content 188:9	correct 15:23	136:1,23	183:2,20
completion	context 144:6	33:14,16	137:2,5,12	187:4
80:1 103:9	continue 91:10	37:17,18	138:2,3 147:1	counsel 1:15
compliance 2:5	continued	44:21 47:13	157:16	2:10,12 5:7
computer	140:12	60:17,18	158:13,19,23	151:12
23:20,20	continuously	61:13,14	159:1,8,9,19	188:17
188:11	122:20	67:21 69:11	160:4,6,23	counties 26:15
computers	contract 112:4	69:12,15,16	161:4 163:1,3	county 25:9,11
21:4	contracted	73:16,21 74:1	163:8,18	25:18 26:17
concern 126:1	40:7 108:17	76:13 77:11	164:8,9,21	179:12,13
concluded	110:5,15	77:12,15,16	165:10,13,22	188:3
187:5	111:12	78:3,14,17,22	168:22,23	couple 23:23
condition	contracting	78:23 79:4,10	169:7,8,17	66:3 78:8
130:15	23:16	79:12,13,21	171:1,6 177:4	course 30:14
conduct 44:10	contractor	79:22 80:2	178:9 181:7	30:16 102:3,6
conducted	40:6 108:18	85:4 87:4,7	184:5 185:18	court 1:1 2:6
172:4	108:19	87:13 90:14	185:19	4:1 5:2,16
confirm	contractors	91:18 94:5	186:13,14	6:12 10:2

367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

FREEDOM COURT REPORTING

Page 193

153:5	data 31:21,22	deals 32:4	85:6	directly 27:11
cover 172:23	169:11	dealt 32:7	deposition	director 33:1
covered 183:12	date 5:4 8:8,10	116:3 165:8	1:15,21 2:3,4	dirt 31:22
coworker 64:5	28:4 48:23	debt 153:15	2:15,19 6:7,8	169:12
64:21 145:8	49:1 63:1,5	deceased	10:1 11:2	disagree 80:7
182:17	80:1,5,8,11	151:17	29:16 143:21	105:12
coworkers	80:14 128:22	December 28:8	143:22	disagreed
92:19 144:15	145:20	29:5 30:22	172:10,12	81:18 83:15
create 161:2	188:15	49:4 129:6	187:5	83:18
creating 84:17	dated 87:2	decides 153:5	depositions 2:7	disagreement
crime 179:8	dates 185:14	decision 107:2	description 3:9	40:22 41:1,3
CRR 1:16 5:2	dating 62:17	107:5 137:15	12:17 69:14	42:6 43:7
188:22	62:21 63:21	137:19	69:14 70:10	157:22
current 90:21	Dave 50:1,13	141:21	71:23 173:19	disagreements
114:8 117:11	50:15,23 51:3	150:17	design 88:20	42:23
117:12 119:9	51:7,9,18	152:11,12	89:2,16 92:13	discharge
119:10 120:9	52:6 54:1,4,9	153:10	92:16 103:15	147:20
curse 99:23	55:5,9,16	deep 119:17	107:12	disclosures
cussed 95:19	56:5,13 57:4	defendant 4:9	108:10,13	12:9 171:8
cut 96:11	57:14 59:19	4:20 10:11	109:7,14	disconnected
cycle 3:10	144:12,15,21	Defendants	110:1,9,19	116:16 117:4
31:10 32:7	158:7 166:4	1:10	111:9,18	119:16,22
67:14,18	166:17	Defendant's	160:11 161:3	120:5 131:5
73:11 75:15	170:10,15	3:6 29:7,15	161:12 162:8	discriminated
76:6 77:10	David 50:5	69:17,21	designed	59:7 135:1
89:16 105:18	166:6,21,23	79:14,19	102:17	142:15
107:7 114:1	day 1:19 42:12	86:12 90:5,10	108:19 163:5	186:21
122:3,6 130:6	42:12,14 55:4	101:2 103:21	designer 107:7	discrimination
132:23	74:5,19,22,22	104:2,12	designing 88:8	137:23 143:7
139:11	75:2,10 81:5	degree 13:12	105:17	156:17 173:2
159:14 165:4	112:21	15:9,18 16:7	designs 159:23	183:14,14
168:21	118:23 132:2	16:8,12 17:4	160:3,8,15	discuss 72:23
D	132:3 137:9	106:20	detailed	73:7 90:19
D 3:2 8:6 9:10	139:18,18	165:18	160:20,21	discussed
9:12	140:7,14	denying 117:1	developing	114:13 116:5
Dallas 18:4,22	149:7 157:18	department	91:6	discussion
20:18 23:12	158:4 174:18	141:5	diagram 12:17	71:19 89:19
damage 153:11	184:2,2	dependability	77:19 78:9,17	92:1,2 104:8
damaged	deadline	113:9	81:15 109:12	118:2
152:11	101:19	dependent	diaries 173:6	disrespect
damages 153:1	deadlines	9:20	Diego 179:13	41:18
153:8,9,19	81:12	dependents	different 17:9	dissatisfied
154:11,13	dealing 144:9	9:21	113:8 153:17	94:11
	dealings 47:6	depending	167:23	distance 79:19

FREEDOM COURT REPORTING

Page 194

distress 150:16 150:21 151:11 152:8 District 1:1,2 4:1,2 25:13 DIVISION 1:3 4:3 divisions 31:8 divorced 9:2,5 9:8 51:21,22 doctor 152:2 document 171:19 documents 11:1,9,16,22 12:11 172:11 172:18 173:1 173:9,13,22 174:1 180:12 180:17,22 181:4,5 doing 20:3 31:19 51:18 68:17 70:23 73:19 74:17 89:23 127:15 127:16 130:5 135:12 141:2 159:13,17 170:12 178:7 185:11 dollars 100:14 100:15,16 108:5,9 door 58:12 doubly 183:12 draw 82:4 drawing 160:22 162:16 drawings 160:19,21 drawn 83:22 drew 81:22	82:5 drive 178:4 Dubois 1:18 4:14 5:8 DUI 179:11 duly 5:14 duty 36:12 Dynamics 16:19 21:14 21:15 22:16 <hr/> E E 3:2 earlier 56:11 77:18 116:5 117:10 134:18 157:21 172:17 early 78:7,11 84:22 85:1,7 85:9,10,12,20 103:3 112:20 113:14,16 115:16,18,20 115:23 119:2 132:2,3 176:23 eastern 1:3 4:3 14:12 education 165:14 EEOC 10:13 10:14,20 165:21,23 171:9,17 180:12,18,20 180:22,23 181:2,4 effect 2:5 43:6 43:16 44:9,16 45:20 63:6 65:18 66:12 73:9 92:18	95:7,17 96:12 101:16 103:6 113:1 114:21 130:21,22 effort 98:12 eight 21:6 126:6 eight-to-five 33:7 either 10:10 25:18 64:20 139:7 154:22 170:9 electronic 15:12,14 16:8 16:13 20:8 eligible 97:4,10 98:9 eliminate 129:22 130:1 ELMORE 188:3 emergencies 44:20 45:4 emergency 46:3 emotional 150:16 151:10 employed 28:11 145:11 148:22 154:3 employee 33:20,22 34:5 34:21,22 35:13 36:20 37:2,8,14 38:6,13,17,17 39:1,18 40:5 40:7,14 51:3 62:15 138:16 138:17 166:9 169:2 182:16 employees	22:15 32:11 34:15,16,17 37:16 38:5 41:8 45:2,10 45:12 50:22 51:6 61:11 93:5,9,11,13 97:22 105:2 128:17,20 138:5 141:16 144:20 145:2 152:15,20 166:13 168:7 177:3 employer 22:21 182:18 employers 16:21 17:1 employment 16:17 58:19 67:6 137:15 141:22 143:8 149:1,5 150:12,18 152:13 173:7 173:11 186:23 encountered 105:16 111:6 ended 67:10 151:5 engineer 74:21 77:1 81:2,15 82:1,4 83:7 94:7,8 107:11 109:2 129:23 135:13 136:14,17 143:2 148:8 159:16,21 161:12,16 162:2,17,18 162:23 engineering	15:12,15 16:8 20:8 88:8 89:3 159:13 165:18 engineers 110:6 entire 176:12 entitled 154:11 environment 183:16 episode 50:1 equipment 19:20 20:1,4 20:7 21:3,20 22:2,4,5,7 23:19 88:5 111:13 114:11 Eric 177:15,17 Eric's 177:18 ESQUIRE 4:13,17 et 1:9 4:8 Euro-Pro 1:9 4:8 6:3 27:10 27:11,14 28:6 28:7,22 29:2 29:11,23 30:4 30:23 33:21 35:10,13 44:18 45:1 67:9 75:16 97:10,12,17 102:7 142:15 142:20 143:7 147:5,7 153:4 154:18,22 156:16 157:2 157:3 161:15 171:6 172:6 173:10 175:8 176:13 177:3 186:21 Euro-Pro's
---	--	---	--	--

367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

FREEDOM COURT REPORTING

Page 195

31:7 137:14	excited 68:3,5	127:13	feeling 186:8	100:14 134:2
137:19	excitement	161:11	felt 50:2 73:14	139:18 167:2
150:17	71:5	e-mail 3:15	130:4 135:10	167:16
152:12	excuse 20:2	86:5,16 87:2	135:14	168:19
evaluated	127:10	F	fifteen 127:9	184:21
170:1,7	Exhibit 29:7	fab 23:21	139:19	fixture 78:2
evaluation	29:15 69:17	facility 31:7,7	fifteen-minute	84:2,17
3:17,20 12:1	69:21 79:14	35:20 98:13	158:21,22	107:10 108:8
89:12 93:3	79:20 86:12	fact 68:15	fight 40:20,22	160:8,19
104:5,13	90:5,10 101:2	74:20 93:8	figure 87:12	161:17 162:1
evaluations	103:21 104:2	94:9 95:12,16	185:22	162:10,19,20
11:18 12:10	104:13	111:11	file 147:9	162:21
141:12	EXHIBITS 3:6	156:16 160:5	filing 2:18	fixtures 160:1
evening 36:20	existing 160:2	161:1	10:15	160:3,13,17
36:22 37:16	expect 159:21	factor 141:21	fill 149:8	161:10
38:1,13,15	expected 35:13	facts 156:21	financial	flaw 109:7,14
39:1 60:10	35:16,20 36:1	failing 170:15	153:11	110:19
157:11	159:11	Fair 118:10	find 175:5	flexible 109:5
158:10	expecting	fairly 144:16	fine 13:8 93:19	focus 123:17
everybody	161:23	156:4	94:3	focused 47:5
35:20 46:12	experience	familiar 14:3	finish 80:13	90:20
126:8,22	36:16 37:7,15	family 25:3,5,9	88:22	folks 26:15
evidence 2:15	68:7 73:15	28:15 154:19	finished	75:23 143:14
Ex 3:8,9,12,15	162:7 165:11	far 13:10 47:11	101:12	154:22
3:17,20	explain 63:19	59:19 69:10	fired 17:21	following 5:12
exact 28:3 31:3	97:5,8 98:23	100:19 166:2	19:6 21:10	follows 5:15
42:2 48:22,23	131:4,8 148:6	168:12 186:6	22:10 59:4	food 18:8,10
49:1,16 61:4	153:2	fast 18:7 34:2	100:8 143:1	Foods 17:8
82:23 89:4	explained	fault 110:2,2	152:16	force 2:4
102:10	64:11 66:22	favorable	153:14 176:1	foregoing 5:6
109:18	97:7 98:9,12	166:18	firm 182:4	188:7,12
128:21	98:19 99:10	favorably	first 5:14 27:18	forgot 93:15
145:20	99:14,17	138:7,11	33:5,6 56:14	182:8
146:10	113:6,10	139:16 166:5	72:1,6 75:13	form 2:11
exactly 38:22	130:17 131:3	166:10,14,22	77:7,13	72:21 98:18
42:15 43:11	131:22 132:1	169:20	108:20	188:10
49:16 56:3	134:7,14	February	149:18,19	former 182:17
66:16 121:12	148:4	176:19 177:1	157:19	forward 46:8
146:10	express 124:14	177:2	158:22	84:1
148:20,23	expressed 71:4	federal 5:5	169:16	found 19:9
155:8,12	74:19 75:11	10:21	five 49:12,14	51:20 148:16
examination	109:8 111:11	feel 37:9 54:12	50:8 51:15	148:19
3:3 5:11,20	112:2 126:4	54:16 134:23	61:19 72:19	149:17 151:6
examined 5:14	126:20		72:23 88:14	four 19:4

FREEDOM COURT REPORTING

Page 196

51:15 147:7	77:4 84:18	77:23 78:2	guard 152:14	66:17 183:18
158:22,23	91:17 98:2,4	82:9,21 83:14	guess 101:4	hearing 7:14
162:15	103:8 124:22	83:23 92:10	112:9 154:1,4	heart 119:4
fourteen	157:15	94:19 95:2	171:9 173:2	heated 41:4
146:20,21	172:19	101:12,18	179:6	held 104:9
Freeman	give 6:14 8:7	103:4,15	guy 37:20	help 73:19
151:15,16	48:22 49:17	113:7,15		74:1 76:5
Friday 60:11	87:11 89:11	115:18	H	80:23 85:16
113:18 119:1	183:6	119:18	half 21:16	85:21 86:17
friend 57:18	given 10:1,3,3	134:15 143:2	24:20	88:3 91:17
57:19 145:7	10:5 23:2	156:19	handle 111:21	127:17 133:7
178:10	69:13 70:10	158:11	160:1,3	136:18,21
friendly	94:22 104:6	161:14,18,21	handles 81:16	137:2 151:10
178:16	104:11,14	165:20 168:2	108:10,13,16	152:1,4
friends 62:23	135:7 181:18	good 5:22 6:1	108:17 109:4	159:13,16
144:2,8,12	giving 11:13	7:3 21:1	109:11,12,16	161:2 184:1,7
154:19	42:1 164:18	58:11 80:11	110:5,9,9	184:10 185:6
front 70:13	164:19	82:7,8,14	111:9 160:10	185:6,16
82:10	glad 182:11	170:17	hand-held	186:3,5,8,9
full 2:5 148:15	Globus 18:19	gotten 68:16	121:23	186:11,13,16
fully 113:1	18:20	97:11,12	hang 29:12	helped 76:21
114:18	go 13:10 14:20	120:21	happen 49:8	184:16,18
130:20	15:6 18:12	government	65:17	185:4,23
funeral 177:3	24:21 27:13	10:21 18:17	happened 41:8	hesitate 178:19
funny 52:2	36:11 37:21	graduate 13:13	43:17,19 49:9	Hickman
53:14,17,20	38:14,16	13:19	66:18 72:14	39:22 157:23
53:22 54:1,4	67:14 79:17	graduated	131:13	high 13:14,20
54:5 55:7	82:16 83:7	14:15 18:3	155:16	106:10
56:17	87:12,18	granddaddy	167:15	higher 34:14
further 2:1,8	113:14 115:8	176:18	happens	Hill 151:20
2:17 187:2	118:10,20	grandfather	153:15	hire 129:23
188:16	127:23 129:3	176:22	happy 7:19	135:13
	133:12 147:4	grandmother	harassment	hired 168:10
G	147:5 149:2,7	176:19	183:16	174:14 179:4
Gadsden 15:4	174:6,14	grandparents	hard 7:3 14:8	hiring 161:15
16:6 17:5,13	177:21	176:1,10,15	head 7:1	161:16
18:6 30:19	178:20	176:16	126:16 135:9	hitting 82:20
179:23	goes 16:18,18	granted 112:14	135:23	82:22
GALE 4:18	16:19	greater 25:19	136:12 167:3	hold 101:3
game 94:1	going 6:6 7:23	151:20	167:17	holdup 111:9
general 16:19	10:14 45:16	ground 46:8	hear 51:8 57:8	home 24:23
21:14,15	46:8 59:6,6	grounds 2:13	heard 45:8	60:12 61:6
22:16 54:8	67:17 70:1	group 77:19	59:13,14,16	116:8,18
getting 17:4	71:12,12	grow 68:12	59:18 60:2,6	118:14,16

367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

FREEDOM COURT REPORTING

Page 197

178:4	huh-uh 6:23	improvements	installing	27:9 29:10
honest 152:22	7:4	90:19	23:18,19 78:1	44:7 69:14
Honestly 85:8	hundred 25:15	inappropriate	instance 6:21	71:23 73:19
hospital	34:9,11	43:6 48:18,19	164:19	77:4 78:3
118:21	100:14,15,16	49:20,23 50:3	Instruments	106:21 107:6
119:13	108:5,8 172:8	58:4 81:13	23:17	107:8,9,12,15
hostile 183:16	Hundreds	98:23 99:11	integrated	121:2 122:3,5
hour 84:11,13	22:19	99:18 127:1	20:23	124:16
146:8,14	husband 156:2	131:17	intended 65:14	127:15,16
hourly 38:16	Hyundai	170:22	interested 55:9	141:9,13
40:4 138:16	145:12,13,15	incarcerated	188:18	145:19
146:9	147:7 150:14	180:7	International	148:16
hours 14:5,10	151:7 174:14	incident 40:19	16:18 17:10	149:17,17
35:17 45:17	174:22 175:9	67:12 135:4,6	20:14	151:6 159:13
64:10,15		incidents 51:15	Internet 46:11	161:1,6,7,8
146:18,21	I	include 157:18	46:13,16 47:2	161:19 162:9
158:22,23	IC 20:23	income 175:7	61:12 140:1	165:6 167:5
hour-long	idea 105:1	increase 38:20	140:22	169:5,9
84:14	171:14 172:1	39:8	interpret 87:17	173:18,19
house 175:19	identification	increases	interviews	174:22,23
175:21 176:7	29:8 69:18	39:19	150:13	175:5 184:12
176:10,16	79:15 86:13	independent	intoxication	jobs 20:5 149:9
177:22	90:6 103:22	18:18 23:16	180:1	149:13,21
178:20	imagine 54:14	91:14 108:18	investigation	174:4,9,10
Hudnall 3:18	150:5	108:19	172:4	175:11
4:22 32:18	immediate	160:14 161:8	investigator	job-descripti...
35:11 47:8	26:13	information	171:10	12:15
48:7,12,15	Immediately	12:8 87:7,10	involuntarily	John 4:13 70:3
55:10 58:3,17	151:4	137:13,17,21	17:20	86:6 104:4
59:3,11,17,18	importance	142:3 171:11	involved 20:6	154:4 171:16
63:16 68:16	101:23	186:19	21:19	172:17
80:12 81:19	important 36:7	informed	issue 46:21	180:16
93:4 95:5	36:10 75:16	131:1	47:3 56:13	181:10
108:6 112:20	102:16	initial 12:9	93:6 116:6	182:14
115:11	114:17	73:10 88:1	issues 62:17,21	183:10
123:13,23	impression	89:11 171:8	99:16 131:1	jokes 48:18
126:5,20	54:9	initiative 36:10	141:17	49:21 50:4,6
127:14	improve 90:3	input 81:7		143:10,11
130:18 136:4	122:15	inside 139:5	J	171:4
136:10	124:12	install 81:16	James 171:9	JR 4:17
170:23	improved	installation	171:12	judgment
Hudnall's	113:9	160:16,16	job 3:9 12:17	153:6
177:22	improvement	installed 21:20	19:9 21:19	July 28:1 80:1
huge 22:21	105:9,14	122:1	23:7 24:14,14	85:5,5 101:4

367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

FREEDOM COURT REPORTING

Page 198

101:5,5,14,18 103:3 jump 132:15 133:18 jumped 132:17 132:20 133:17 jumping 12:5 June 85:5,10 85:12 86:16 86:18 87:3 88:11 Justin 151:15	149:13 Klan 56:8 Klux 56:8 knew 35:6,8 58:5,10 77:22 77:23 102:7 127:18 135:10 137:10 140:1 162:6 164:11 164:14 knob 134:16 know 6:15 7:17 11:6,7,8 13:8 22:17,23 30:15 31:3 33:3 34:1,13 34:19 35:1,2 35:3 40:10 46:1 47:22 61:4 62:22 66:4 68:19 69:9,10 70:18 70:19 81:20 85:8,22 87:14 96:2 102:10 102:11,12,15 102:15 103:17,19 108:6,6,7 109:17 113:23 116:12 125:23 133:3 139:21 140:4 142:4,22 146:10 153:21 155:8 156:21 159:2 163:4,12 164:10,13 166:2 168:12 170:1,6 171:13,19	173:15 174:4 174:7 177:18 177:19 181:19 183:11 185:13 186:6 knowledge 30:7 knows 142:4 172:2,3 Ku 56:8 <hr/> L L 1:12 lab 33:1 77:5 97:3,12,14,17 98:15 122:21 139:4,5 161:22 165:3 LabVIEW 120:15,17,21 121:19 LaFayette 175:16,18 176:3,4,17,18 laid 22:11,13 Large 188:6,23 largest 77:9 late 86:16 101:14 139:18,19 140:7 167:6 laugh 53:9 laughed 49:21 laws 2:6 lawsuit 6:4 10:8 137:23 154:16 156:9 156:22 166:4 186:20 lawyer 6:10 11:6 12:2 154:16 182:16,18	lawyer's 11:17 layoff 23:2 lead 36:19 37:1 37:8,13,13 38:16 39:1 157:9,10,11 163:20 164:6 168:16 leader 102:13 leadership 39:15 leading 2:11 11:11 leads 142:5 learn 42:6 68:15 91:10 131:12 leave 17:19 20:12 112:20 113:14,16 115:4,5,15,18 115:23 132:2 133:8,13 leaving 115:20 132:3 Lee 171:9,12 left 17:22 107:21 113:19 117:11 119:1 130:15,19 131:23 132:18 133:14 147:7 175:8 lengthy 92:1 letters 11:18 12:2 let's 13:16 15:20 17:3 47:9 77:7,17 90:8 107:1 145:23 158:11	level 73:12 91:2 life 3:10 31:10 32:7 55:23 67:14,17 71:11,13 73:11 74:18 75:15 76:5 77:10 84:2 89:15 91:1,6 91:11 92:10 92:13 101:6 102:17 105:18 107:7 107:10 108:8 110:23 111:3 111:7 112:7 113:7,10 114:1,9 115:19 116:1 117:8,12 122:3,6 126:11 130:5 132:23 136:6 139:1,10,11 159:14 165:4 167:13,21,22 168:21 lifestyle 153:13 153:17 Lightfoot 3:5 4:17 5:19,21 6:2 12:6,13 12:18 25:12 70:2,6 86:6 86:10 104:3 107:19 154:4 154:14 157:5 161:20 171:16 180:14 181:9 181:14,20,23 182:3,7,13 183:5,9 187:2
--	---	--	---	---

367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

FREEDOM COURT REPORTING

Page 199

likes 39:18	lucky 44:6	69:18 79:15	meant 57:13	middle 1:2 4:2
line 54:6,7,13	lunch 61:6	86:13 90:6	86:11	25:12 133:9
list 171:9	lunchtime	103:22	medical 152:2	133:13
listed 17:1 78:3	115:6 158:13	104:12	medication	158:17
171:17,23	158:16 159:7	market 68:1	7:13 152:7	midway 159:6
lists 16:16	159:8	102:13	meet 101:18	mid-convers...
little 24:2 74:7	L.L.C 1:9 4:8	marking 69:21	meeting 3:19	133:22
85:6 134:18		90:9 101:2	45:9 67:2	mind 12:4
146:1 174:2	M	104:2	71:9 72:6,7,9	69:23 88:23
live 25:18	machine 3:14	marriage	78:16 90:11	minimum
26:15 175:22	17:15 23:18	156:1	92:23 93:3	130:12
lived 176:14	main 46:21	married 8:18	98:20 99:7	minor 116:2,5
living 175:14	47:3 72:19	8:20 9:5,6	113:5 114:6	minutes 61:19
175:23 176:2	123:17	Mason 177:9	126:8 128:17	82:5 123:8
located 17:12	maintenance	177:10	128:19 129:1	134:3 139:19
logic 30:7,17	19:19 20:3	Mason's	133:9,10,11	183:6
long 14:22	majority	177:19	133:14,15	misundersto...
15:6 17:16	123:19	materials	136:7,11	181:8
19:3 24:17	making 33:20	112:1	143:3	moment
84:11 130:13	33:21 34:7	matter 144:9	meetings 35:10	117:13
133:6 134:1,9	48:18 52:13	maximum	73:10 75:14	Monday 87:3
look 12:7	58:3 60:2,6	130:11 133:5	77:14,18 78:8	116:7,16
117:21 149:1	137:23 172:5	MAYNARD	78:11 83:23	117:16,20
149:4 152:20	183:21	4:18	84:12,14	118:5 128:22
152:20 158:7	man 42:3	McGee 76:5	85:15,20 88:1	129:8
181:22	54:21 55:20	177:12	members 25:9	monetary
looked 110:7	63:6	mean 7:5 37:8	28:15	152:23 153:2
looking 90:18	management	38:7 47:20	memory 11:21	153:8
126:19 127:1	34:21 42:5	50:9 53:9,18	38:4 71:1	money 69:5
149:14	52:16 97:21	54:15 55:3	165:16	153:3,23
looks 15:21	98:13 111:15	60:15 93:17	men 47:17 63:2	154:1
21:5,16 23:22	111:17 140:6	93:19 94:1,21	63:2	Monster 150:9
79:6	140:9	102:20	mental 154:12	Montgomery
lot 54:11 76:5	manhood	109:20	mentally	8:17 25:19
76:7 92:4,8	41:18	110:14	150:23	145:16
92:15 111:3	manner 170:18	123:15 130:1	mentioned	month 24:19
119:11,19	188:18	147:1 153:22	52:18,22 53:2	77:8 156:7
125:3 127:11	manually	156:14	53:11 91:22	169:16
172:23	123:4,4,7	171:18 172:2	met 6:3 45:10	months 11:11
loud 6:20	manufacturi...	176:6 178:15	66:7,12	19:4,16 21:6
Louisiana	23:18	178:16,19	113:17	67:9 85:4
24:13	mark 79:19	181:13	meter 134:13	147:7 148:15
lover 51:23	90:9	185:16	methods 91:7	morale 99:15
lower 163:23	marked 29:8	means 188:9	Miami 21:23	morning 5:22

367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

FREEDOM COURT REPORTING

Page 200

6:1 84:10	64:3 74:20	98:1	76:22,23	21:5 22:12,23
113:18,18	88:5 90:3	noon 115:5	85:20,23 88:1	23:4,22 25:2
114:6 116:7	92:18 102:5	normally 7:2	124:1 167:2	25:8,22 26:6
129:11,13	105:9,13	153:15 156:3	occurred 42:6	26:8 27:1,3
Motor 145:12	106:9,20	North 9:15	occurring	27:13,20,23
move 24:11	109:5 112:3	Northeast	188:14	28:13,16 30:6
71:13	113:13,23	21:22	October 19:13	30:10,21 31:6
moved 18:4	114:7 115:2	Northwest	176:20	31:14,18 32:1
24:10,12	116:2 117:11	21:22	offended 53:4	32:10,16,20
135:6 142:12	122:11	noted 87:2	56:18,19,23	33:5,17 34:3
moving 24:9	124:11,19,21	notice 2:18	57:9,10,12,16	34:6,13 35:5
	129:22	172:10	58:7	35:15,19
N	159:12,16,23	181:15	offensive 64:4	36:18 37:6
N 1:12 3:2 52:3	186:12	November	65:14	38:11,14 39:7
52:6 56:20	needs 45:6	112:10,13,15	offer 67:14,16	39:13,17 40:1
57:1,9 143:17	neither 64:7	113:19 116:8	offered 2:15	40:13,18 41:7
144:7,8,10	188:16	116:16	69:7	42:16 43:5,18
name 6:2 8:4	never 10:1	number 1:5	office 65:3	44:8 45:1,9
27:20 28:18	45:8 59:13,13	4:4 8:8 102:8	96:23 129:15	45:14,23 46:7
93:15,18 94:4	95:19 103:11	106:19	144:20 149:6	47:12,16 48:2
128:8 177:18	116:4,10	118:14,17	174:18 175:1	48:6 49:2,7
177:19	139:20 140:1	numerous	offices 1:17 5:7	49:11 50:7,12
names 25:20	143:6 151:9	139:23	Off-the-Reco...	51:11,14 52:3
nature 63:22	152:7,16	166:23	104:8	52:9,14,21
93:10 143:11	161:11		Oh 14:11	53:23 54:4,11
Navy 14:21,23	163:19 167:1	O	38:11,23 40:7	54:13 55:2,14
15:3,21,21	168:13	O 1:12	59:21 84:13	55:18 57:21
16:2 36:15	185:15 186:5	oath 7:9 10:5	98:5 99:9	58:16,21 60:1
179:17	new 70:13,17	Object 72:20	139:1,6 146:3	61:21 62:14
near 40:19,21	71:5 77:4	98:17	181:1,3 182:7	63:3 64:8
nearest 14:7	newest 37:20	objections 2:10	185:12	65:1,16,20
neat 125:20	nigger 51:23	2:13	okay 5:22 6:10	66:7 67:2,13
necessary 2:9	57:1	obviously	7:7,12,20,21	70:8,21 71:3
need 6:18	night 60:9,11	172:3	8:2,3,15,18	71:7,15,18,21
63:20 70:2	61:22 62:5	occasion 49:8	9:7,9,14,16	72:5,11,16
71:11 73:19	nightclub	49:10 50:19	10:7,13,19	73:3,8 74:6
79:7 91:10	180:6	50:21 56:14	11:4,20 12:13	74:10,13,15
96:11 103:6	nights 150:22	63:5 86:18	12:21 13:1,4	75:6,13 76:4
111:12 112:3	151:2	88:10	13:7,13,18	76:21 77:3,22
113:11	nodding 7:1	occasionally	14:7,11,14,19	78:6,11,15,20
125:14 129:2	Nokia 21:21	184:20,21	15:17 16:11	79:5,11,23
182:15 185:3	nonbusiness	185:4 186:1	16:15,23 18:2	80:7,15,18,21
185:22	45:16	occasions	18:5,11,16	81:4,10 83:11
needed 58:14	nonmanage...	49:11 50:8	19:11 20:5,11	84:5,15,20

367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

FREEDOM COURT REPORTING

Page 201

85:1,14 86:21	172:16,21	P	Penton 151:21	46:2,11,13,19
87:1,5,16,21	176:9,12,22	P 1:12	151:22,23	46:20,21
87:23 89:7,18	177:14	package	people 45:19	60:23 64:9,14
90:8,13,18,23	179:19 181:5	173:14	46:12 54:11	64:20 116:10
91:16 92:6,17	181:20	packet 12:8	54:16 76:2	116:13
93:2,23 94:13	183:22 184:6	13:2,4	80:23 98:14	118:14,16
94:16 95:9,19	184:14	page 3:4,7	99:5 126:6	phrase 43:4
96:5,9 97:2,8	185:12,15	29:18 87:18	127:9,11,14	56:10
97:16 99:6,10	old 8:12	150:12	158:7 164:20	physically
99:19,22	once 8:23	paid 39:4	percent 25:15	119:12
100:21,21	38:14 52:12	146:7	performance	pick 22:6,7
101:22 103:2	62:12,13 71:2	pant 122:3,6	139:13 141:9	31:22 125:14
104:16,21,23	105:5 140:9	paper 79:3	141:12,17	125:18 129:1
105:4 106:8	155:6 156:6	part 14:12	170:2,7	picked 169:11
106:14,18	167:7 184:23	75:23 78:2	173:19,21	picking 125:10
109:10,23	ones 106:1	81:11 106:21	performed	piece 79:2
110:17	110:14,17	108:3,4,7	19:19 130:5	186:19
111:10 112:5	open 58:12	113:8,11	performing	Pine 151:20
112:19	OPERATING	122:5 124:15	141:13	piston 82:20
113:22	1:9 4:8	131:18 137:4	period 28:10	place 29:1
114:12,15	operational	144:21	62:16 66:2	142:20
115:23	113:2 114:18	160:11 161:1	94:10 167:9	143:14
116:21 117:4	130:20	parties 1:14	periodic 19:19	placed 28:21
117:7,15,19	operator 17:15	2:12 188:17	permanent	places 27:17
118:1,13,18	opinion 185:10	parts 96:4	33:20,22 34:5	149:4 150:8
121:1,10	opportunity	106:9,11,15	38:5,12 163:8	plaintiff 1:7
122:14,17	68:4,12 70:14	106:17 107:2	163:10,11	4:6,16 10:10
123:9,23	70:18 71:5	107:5,8,15,17	169:2,4	plan 130:11
126:12 131:4	oral 5:11	107:20,22,23	permission	133:5
132:1 135:2	order 106:17	173:19	115:8,14	plant 125:3
137:6,10	107:3,5,8,22	party 10:8	person 52:21	play 37:3
138:15	107:23 112:2	178:3,23	53:1 152:15	108:15
140:10	ordered 106:3	179:6	153:16	played 37:4,13
145:22 147:9	106:11 108:2	passed 176:19	157:10,11	player 36:1
152:18	173:20	176:20,22	163:20 164:6	Plaza 4:19
153:18	ordering 106:4	pastor 151:13	168:16	PLC 30:11
154:14,21	106:8 107:15	151:15,18	personal 44:19	please 6:15,20
155:13,17,22	outside 105:22	paused 27:8	45:4 60:15	8:5,7,9 9:11
158:6 162:13	143:13	pay 38:20 39:8	115:16,21	41:16 48:10
163:12,19	overall 172:22	93:6,9 94:11	Phillips 26:7	176:14
165:3 166:12	Overnight	94:14 154:10	26:22	180:15
166:16	179:21 180:8	163:23	phone 22:3,3,4	pleased 38:19
167:22	overtime	Pearson 27:1	22:6,7 44:19	39:7,10,14
168:18	146:16,19,21	Pearsons 26:9	45:6,20,21	point 11:6

367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

FREEDOM COURT REPORTING

Page 202

33:10,17 34:1	primarily	professional	purposes 29:9	138:2 141:21
42:8 62:15	12:10 73:20	151:10 188:5	46:17 69:19	142:5,16
63:12 67:13	prior 2:15	professionally	79:16 86:14	143:7 156:17
82:23 83:2	36:16 37:6	126:21	90:7 103:23	183:14
90:20 91:1,5	97:20	proficiently	put 38:15	186:22
93:2 95:4	priority 127:19	126:21	67:17 69:22	racial 50:4,6
96:8,21	probably	programma...	77:19 111:20	57:13 59:15
111:23	67:10 72:12	30:7,17	127:23	143:11
127:22	88:15 99:22	project 31:9,10	128:12	183:16
132:15 159:6	109:21 126:5	31:12,16,20	135:14	racially 170:21
163:2,5	127:10,10	74:17,20,21	147:22,23,23	racist 59:3,12
position 3:10	148:14 155:6	75:3 76:18,19	163:6	59:17,19 60:2
20:13 21:13	156:6 158:9	77:9 79:8	p.m 33:14,14	60:6 145:8
31:1,2 39:14	problem 65:7	80:1 81:2,3	187:5	171:3
69:7,14 70:10	83:3 109:6	85:10,12,17		raise 56:12
135:7,14	110:22 111:8	85:21 86:1,3	Q	69:6 93:6
142:12	113:15	88:3,5,9 89:3	question 6:13	95:12 132:16
positive 92:22	115:17,17	89:6,16 101:7	6:19,21 7:18	raised 41:13
possession	116:5 140:11	101:11	7:23 8:1	43:8 95:14
173:10	problems	107:10 109:9	22:18 37:22	raises 93:9
possible 102:1	99:15 105:17	109:21	37:22 48:9	Raleigh 9:15
102:19,23	105:20 109:3	121:17 123:6	59:9,10 63:4	rally 56:8
precaution	110:1,8 111:3	133:1 134:8	88:23 93:16	Ralph 4:22
172:1	111:5 112:6,9	136:14 148:9	98:18 104:10	32:17,21
precipitated	114:1,4,5,13	161:19,20,21	107:14 142:1	33:19 35:11
41:20	116:2 139:14	162:22 163:6	148:10 154:5	42:9,17,19
Preemploy...	Procedure 5:6	170:16	160:9 172:22	44:15 47:8
173:14	proceeding	projects 90:21	181:8 183:9	48:7,12,15
preference	188:8	165:9	questioned	53:3,6 55:10
63:1	proceedings	promised	148:10	55:10,15,19
prep 18:10	5:12 188:14	94:23	questions 2:11	55:19 56:14
prepare 11:2	produce	promotion	2:12 6:12	58:2,7,17
11:16	181:10	68:22 69:6	73:4,6 83:19	59:2,11,16,18
prepared	produced 86:7	properly	187:3,4	63:15 65:3,5
171:20	181:12	108:11	quickly 23:8	66:7 68:16
PRESENT	188:10	provide 86:21	101:17 102:1	70:17,18,20
4:21	product 32:4	provided 5:5	102:23	70:21 71:18
press 122:3,6	production	psychiatrist	quit 17:20,23	71:22 72:6,7
pretty 26:11	145:18 146:4	152:5	18:2 19:5,7,8	72:12,16,23
167:3,18	172:10	Public 179:23	20:15 21:9,11	73:8,20 74:2
179:1	products 32:8	pull 36:3	21:12 22:9	74:7,9 75:11
prevents 7:13	67:23 91:7	punitive	24:4,6,7,9	75:14 77:14
previously	profanity 96:3	154:13		78:12 80:12
109:8	96:6	purpose 43:13	R	80:15,22
			race 137:16,20	

367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

FREEDOM COURT REPORTING

Page 203

81:18 82:11	read 91:23	132:9,13,21	162:10	120:7 128:21
83:11,13,15	reading 2:2	133:2 134:2	Registered	131:11 150:7
83:17,18,23	ready 162:15	135:20 151:5	188:4	155:18
84:16 85:16	realize 101:17	158:3,5	regularly	157:23
85:23 86:1	really 42:3	159:14,15	76:12,20	165:20
88:2,6,19	50:2 183:21	171:7	144:16 156:5	166:15
89:6,8,11	reason 23:2	receive 95:3	relate 11:13	170:23 184:3
90:11 93:3,4	59:1,10 60:16	116:13	related 119:7	185:9
95:4 96:9,22	75:21 102:16	received 95:1	relating 2:6	remembering
99:8 100:3,4	134:5,21,22	116:10	57:10 156:21	12:12
101:9,15	134:23	Recess 157:8	173:6,18,20	repeat 50:6
103:5,14	135:16,18	183:8	relationship	96:17
104:16 108:6	147:19 148:2	Recession 23:3	24:8	repeated 52:1
112:19,23	148:4 162:5	recollection	relatives 25:17	repeatedly
113:5,6,17	169:18	134:5	25:20	107:11
115:11 116:8	185:17	record 7:3 8:5	relay 22:8	rephrase 48:9
116:11,13,14	reasons 45:4	31:21	reliability 68:1	70:15
117:8,17,22	46:3 60:15	recorded	rely 28:13 35:7	replaced
118:2,8 121:4	99:3	169:11,13	73:20 80:22	142:23 143:2
121:10	rebuild 131:10	recounting	relying 92:3,8	report 32:21
123:13,23	recall 33:23	57:3	92:9	103:9 111:15
124:18 126:1	41:21 42:10	recover 154:11	remained	117:7 132:6
126:5,7,20	42:15,18	recruiting	154:2	reported 33:4
127:13	43:11 45:9	175:2	remaining	111:18
130:18 131:1	46:5,9,10	reduces 79:2	90:20	117:10
131:9,23	51:1,2,5,10	Reese 47:14	remember	reporter 5:3,16
132:1,6,7	51:11 55:12	58:21 59:3,12	10:14 12:21	6:12 188:5
136:4,10	55:15 58:20	59:14 63:15	13:2,8 26:12	REPORTER...
145:1,4 158:4	66:17 68:20	73:23 74:2	27:22 28:3,18	188:1
161:11	71:16 72:13	80:6 81:23	34:6 42:16,20	reporting
170:22	92:14 99:21	106:16,23	42:21 43:3	32:17 103:6
177:21	99:22 100:19	107:4 108:7	46:20,23	103:14
184:12 185:2	100:22,23	108:23 109:8	47:11 48:23	represent 6:3
185:21	101:20 106:4	109:11,13	51:17 54:18	represents
186:12	106:7,8	110:20 111:1	54:22 56:6	188:12
Ralph's 85:16	114:14	118:3,20	65:7 71:7,18	request 112:11
85:21 136:15	116:12,14,22	128:23,23	71:20 72:2,3	172:10
Randolph	116:23 117:2	129:17	72:8,10 73:6	requested
25:11,18	117:3,16,17	137:10 143:4	78:7 84:21	112:12
26:17,19,21	117:19,22	Reese's 109:14	93:18,22 94:2	requests
ranging 21:3	118:1,8	110:2	94:4 96:2,5	172:14
rated 105:1,2	120:14,16,19	refused 185:15	96:13,16,20	reside 9:14
reaching	121:5,12	186:5	100:11	respect 35:21
116:17	123:15 125:1	regard 89:8	116:19 120:6	47:18,23 48:4

367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

FREEDOM COURT REPORTING

Page 204

48:8,13,16	166:23	71:3 75:1,4,5	4:21 35:12	Sam 39:22
58:18,22	169:19	76:15 77:1,17	45:10 47:13	43:23 44:1,6
respectfully	170:10,15	78:13 79:3,17	47:15 48:2	157:23
40:2	rid 135:15	80:20 81:6,19	58:6 59:2,11	San 179:13
respective 1:14	riding 22:5	82:2 83:9,21	59:14 65:23	sand 169:12
responded	right 7:17 8:4	84:6,9,20	71:10 96:22	sat 72:3
130:1,10	8:7,13 9:1,4	85:7,19 86:4	103:10 108:6	satisfied 39:5
response 87:6	9:19,23 12:3	86:15 87:9	124:4 125:2	Saturday
87:9,15,17	13:7,10,16	88:7,18 89:14	126:18	147:2
99:20 131:21	14:11,14,19	89:21 91:4,9	127:20	saw 48:20
136:15,16,20	14:22 15:2,20	91:13,21	134:19	53:11,21 56:4
responsibilit...	16:2,6,10,15	93:20 94:4,9	135:18 143:4	56:6,9
38:21 72:19	17:16,19 18:5	96:7 98:8,22	role 37:3,5,10	saying 44:23
164:10,14,15	18:11,23 19:5	99:7 101:10	37:14 38:16	46:5 53:7
164:23 169:6	19:11 20:11	103:13 104:1	75:19 108:15	55:10 56:23
responsibility	20:17,20	106:6,21	Rouge 24:12	57:5,7,8,9
39:15,19	21:15 22:9	107:22	24:15,18	64:4 81:10
126:16 127:2	26:3,10,14	113:19 114:5	round 83:1	100:17 108:1
164:7,12	27:4,6,15,16	114:23 115:4	routers 21:4	117:19 142:9
165:5	28:5,8,9,16	116:7 117:13	Rozenzweig	scene 52:1
responsive	28:19 29:4,10	129:14,19	182:6 183:4	53:12 56:7
172:17	29:20,23 30:1	130:3 131:15	RPR 1:16 5:2	schedule 66:4
rest 56:22 57:2	30:2,11,12,13	131:20	188:22	78:21
57:3,11	30:21 31:6,9	132:10 136:5	rule 45:8	scheduled 61:3
result 153:1,9	31:10,18 32:5	136:7,9,22	rules 2:6 5:5	61:7
188:19	32:16 33:7,9	138:21,22	44:18 45:2,7	schematic
results 169:14	33:11,23	139:13 141:4	45:11 46:8	81:14 83:22
resume 3:8	35:23 36:9	141:15	141:17	109:13 110:7
13:3 15:18	37:8,20 38:23	148:15 149:2	run 117:9,14	136:8,11
16:16 29:14	39:13,21 41:2	150:20 157:5	122:5,11,12	162:14
29:22	41:10 42:5,8	158:17,18	122:12,20	schematics
return 129:5	42:22 43:10	159:19,20	131:6	107:12
returns 172:18	43:13,20 44:3	160:3,11	running 71:14	160:15,20
180:16	44:4 48:21	162:2,18	116:1 122:18	161:10
review 11:1	49:13,18 52:9	164:16,17,20		school 13:11
12:19 172:11	54:12,16,18	166:20 168:1	S	13:14,20
reviewed 11:9	54:22 57:2,4	172:9 173:5	S 1:12	schooling 15:3
11:12,15,17	57:17 58:9,16	179:3 181:14	safe 117:8,14	Science 16:11
11:18,21,23	58:20 59:8	182:2 183:5	164:9	scratch 47:7
13:3	60:15 62:1,2	183:22 186:4	salaried 38:17	screening
reviewing	62:19 63:12	ring 133:20	138:16	16:17 18:13
12:22	64:2,17 66:10	rip 131:9	salary 34:8	19:2,10,12
Richards	67:19 69:13	Road 8:16	138:18 146:8	second 29:12
166:4,6,17,21	69:20 70:9,12	Robertson	sales 22:4	29:13 33:11

367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

FREEDOM COURT REPORTING

Page 205

33:18 67:8 90:20 157:19 security 8:8 18:15 19:2,22 20:7 see 17:3 29:18 47:9 57:4 77:7,17 78:3 79:18 91:18 107:1 109:1 110:8 111:19 111:21 125:8 125:10 145:23 151:19 158:11 168:2 seeing 72:2 seek 85:16,21 88:3 152:1,4 seeking 153:3 seen 53:20 183:17,17 semester 30:16 send 180:18,19 sending 13:8 senior 37:15 37:19 sense 117:12 sent 87:6 180:12,22 181:1,4,6 series 6:12 83:22 85:14 serve 179:19 serves 11:21 38:4 71:1 165:17 service 18:10 175:3 Services 16:20 23:11 set 32:22 46:8 61:7 68:6 77:4 79:7	setup 85:2 setups 91:18 set-ups 84:1 seven 15:1,21 126:6 164:20 shaking 7:1 share 36:3 Sheffield 51:8 57:20 60:12 63:4,9,10 97:15 135:5,6 138:11,15 142:11 144:15 155:1 163:7,9 165:6 166:17 170:10,15 182:21 Sheffield's 170:6 shift 33:6,7,11 33:13,18 36:20,22 37:16 38:1,13 38:15 39:2 60:10 67:8 157:11,18,19 157:19 158:10,17 159:7,8 shit 95:17 96:15 short 61:16 shortly 33:10 155:10 show 36:10 50:13,16,23 51:4,7,9 55:6 55:9,11,16 56:5,13 57:15 59:20 69:20 86:4,15 101:1 104:1 144:12 144:16,22	167:6 showed 167:1 shower 178:5 178:20 showing 86:16 shown 108:22 shut 113:16 115:18 sick 167:1 sign 128:11 signature 2:2 signed 90:16 93:1 104:19 significant 101:23 105:17 112:5 signs 127:23 128:9 similar 63:4 68:18 similarly 138:6 Single 8:19 sit 35:2 71:22 84:16 site 22:4 situated 138:6 situation 57:13 66:23 113:7 119:9 125:1 148:11 sit-down 89:19 six 11:11 34:9 34:10 148:15 167:2,16 168:19 172:7 sketch 3:12 77:21 78:18 78:20 79:20 81:7,8,11,17 81:22 82:5 84:4,7 108:22 111:19,20 160:22 skill 68:6	skills 29:17,21 30:3 73:15 skit 57:4,11,14 sleepless 150:22 151:2 slot 158:21,22 Smith 1:6,15 1:16,21 3:16 4:5,11 5:2,10 5:13,23 8:6 13:11 165:21 183:22 188:4 188:22 Smiths 26:4,5 26:20 Smith's 3:8 Social 8:8 software 120:15,17,21 121:11,13,20 solution 161:8 somebody 134:12,15 soon 102:18 sorry 20:3 27:8 29:12 88:22 89:1 120:3 139:9 147:2 151:5 159:11 177:7 181:7 sort 20:6 25:19 31:8 36:19,21 36:22 37:2,13 40:19 68:16 72:18 79:6 83:23 84:17 157:14 172:22 185:17 sorts 68:23 99:15 sought 76:4 151:9,12 Sounds 85:5	source 125:23 137:14,18 142:3 South 1:18 4:14 5:8 speak 63:16 93:4 speaking 41:13 specialist 23:18 specific 55:15 83:3 specifically 71:10,17 92:12 96:1 specification 122:12,13 specifications 86:20 91:6 specifics 71:8 spell 9:11 spend 109:15 spent 109:17 123:20,21 spoke 45:11 61:16 123:23 124:5 158:3 spoken 43:23 44:1 140:5,8 140:22 spring 100:10 100:12,22 stable 82:22 stages 79:7,12 staging 81:12 stand 103:10 standards 91:11 standing 55:22 start 19:12 29:11 56:2 68:17 75:7,9 91:5 120:3 129:10
--	--	---	--	---

367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

FREEDOM COURT REPORTING

Page 206

132:12 159:6 started 28:6,17 31:3 32:17 33:6,11,18 35:9 49:4 70:23 77:13 77:15 84:18 85:12 101:11 140:14 starting 31:1,2 77:8 starts 16:16 state 8:4 10:21 14:12 15:4 16:6 17:5 18:6 24:9,10 30:19 148:2 188:2,6,22 stated 159:3,10 159:12 statement 10:4 55:20 60:3,6 63:13 statements 171:4 States 1:1 4:1 14:21 station 22:2,8 steam 3:12 77:10 78:1 81:16 92:13 92:15 101:6 102:8,13,17 105:17 110:23 111:7 112:7 114:1,4 123:6,16 130:6 132:23 135:7 159:17 159:18 160:18 161:3 161:10,17 162:1,10 steamer 86:20	stenographic 188:9 steps 162:14 STIPULAT... 1:13 2:1,8,17 stipulation 5:6 stipulations 5:17 stood 133:18 stop 53:7 58:8 134:15 stopped 140:14 186:9 stories 54:22 story 54:21 straight 18:12 strengths 105:5 stress 150:22 stressed 150:23 strive 91:14 stuff 12:15 20:7 50:9,11 54:1,4 70:1,7 95:6 99:12 182:6 subject 96:23 144:9,19,23 145:1,3 subjective 142:10 subsequent 72:7 substance 51:16 succeed 75:19 Sue 181:15 sued 6:4 suffered 150:16 153:8 suing 156:16 summertime 49:8	Sunday 146:23 supervise 140:16 supervision 188:11 supervisor 36:21 47:9,10 65:10 68:17 73:20 135:9 135:23 168:4 168:16 170:11,17 supervisors 170:1,6 supports 171:11 173:1 186:20 supposed 45:3 131:2 132:6 sure 6:10 11:4 12:6 25:15 26:11 32:13 33:15 34:12 37:23 47:6 48:11 62:8,9 70:16 85:11 85:13 88:21 89:4,10 104:11 143:20 149:12 154:6 157:7 159:4 167:3,18 168:11 169:3 172:20 173:12 174:12,15 177:16 179:1 181:23 182:3 183:12,19 sweep 125:14 125:16 sweeping 125:8	swept 125:5 sworn 5:14 7:9 10:4 system 71:12 71:14 114:9 121:17,21,22 122:1 126:11 136:6 systems 16:4 21:21 <hr/> T T 1:12,12 take 6:15 24:14 39:14 55:2 68:9 73:11 84:10 84:12 92:22 115:16,21 149:17 157:6 162:14 178:5 taken 1:16 157:8 183:8 188:8 talk 41:5 42:9 42:13 50:22 51:9 52:14 53:10 58:6,14 65:12 70:17 70:22 84:16 88:9 90:23 91:5 92:20 96:23 97:1 106:18 115:2 119:6 120:8 128:6 130:14 132:7 144:14 154:20 155:22 156:3 156:4,6 164:1 164:3 169:23 170:5 talked 11:5 50:19 52:11	52:19 53:1 54:15,19,20 54:23 57:18 62:11,16 65:3 65:4,4,23 67:12 70:12 70:19 71:8 72:14 73:5 80:12 85:23 88:19 89:6 91:21 92:7,14 99:4 101:21 105:4,5,8 106:22 119:8 119:13,19 124:23 128:7 130:18 131:23 144:11 148:11 154:15,21 155:2,3,20 156:1,11,15 156:18,20 157:1,10,21 174:2 183:23 talking 42:20 42:21 43:14 51:3,12 79:20 93:8,11 95:2 95:6 99:1,11 99:18 107:18 116:17 118:2 118:8 132:8 157:23 167:10,16 168:19,20 171:15 174:19 talks 29:17 91:16 Tallassee 1:18 4:14 5:9 Tanisha 9:10
---	---	--	---	--

FREEDOM COURT REPORTING

Page 207

task 135:8	63:23 64:2,6	31:15 32:14	67:3,12 70:16	73:11 75:16
tasked 160:6,7	64:8,13 65:13	32:21	70:20,21	76:6 77:10
160:8,10,12	66:14 87:16	ten 33:14	71:10,22 72:6	91:1 92:10,13
163:6	89:21 90:2	88:16,17,20	72:17 73:8	139:1,11,11
tasks 21:19	91:13 92:17	89:9 123:8	75:14 96:21	159:14 165:4
tax 172:18	93:21 101:15	134:2 139:19	97:5 98:8	167:14,21,23
180:15	109:23 114:6	147:3 174:16	99:7 100:1	tests 74:18
taxes 100:15	114:15,16	174:17	103:9,14	Texas 18:22
team 36:1	117:15	terminate	108:5 121:4	23:17
tech 20:22	119:15,22	137:15	124:4 125:2	Thank 187:3
technical 16:20	120:4 121:10	141:22	126:1,18	Thanks 69:23
23:11 165:18	123:9,12	150:17	127:19	182:15
technically	124:7,20	152:12	129:19,20,21	Thanksgiving
97:3	129:20 130:3	terminated	132:11 133:7	112:17
technician	131:16 132:5	24:5 100:18	134:19	thereto 2:16
16:14 77:5	133:16 135:2	134:6,20,21	135:18 143:4	thing 46:18
94:6 97:3	137:13	135:17	161:11	50:10 66:15
109:1 122:21	139:15	141:18 148:1	Terry's 96:22	68:18 70:5
129:22	141:20	148:7 152:17	129:15	170:22 181:9
135:11	143:10,13	153:16	test 55:23	things 36:15
138:19 139:4	145:7 147:14	155:11 167:8	67:18 71:11	60:20 63:21
149:15,17,21	155:13	172:6	71:14 84:2	63:22 89:22
161:13,16,23	165:23	terminating	91:6,11 101:6	93:10 96:10
162:6 165:4	176:13 183:2	186:22	102:17	99:1 119:18
technicians	telling 30:22	termination	105:18 107:7	119:20
97:13,14,17	46:12 94:2	138:1 142:6	107:10 108:8	131:16,18
98:15	116:15 120:6	153:1,9	110:23 111:4	134:18 138:5
technology	133:12	terms 35:11,12	111:7 112:7	169:15
15:13,15,16	159:15	37:15 58:12	113:7,10	185:10
16:8 20:9	170:10 184:3	65:21 77:3	114:9,17	think 12:10
23:21 79:2	temp 27:15,18	88:8 107:14	115:19 116:1	27:4,9,10,11
165:19	27:21 28:6,17	141:12	117:8,13	31:5 33:15,16
telephone 45:3	28:18 31:4	162:14	122:4 126:11	34:4,8,12
61:12	40:11 163:8	178:17	130:15 136:6	37:4 42:15,18
tell 7:10 25:8	168:21 169:9	Terry 4:21	testified 5:15	43:2,22 47:14
26:14 30:6,14	temperature	35:12 42:17	10:2	52:2,11,12,23
33:18,19,21	106:10	42:20,21,22	testifying	53:1,11,22,23
35:19,23 36:6	temperatures	45:10,14	136:10	54:3 55:3,5
36:9 41:10,15	106:12	47:12,13,15	testimony 10:5	56:3 58:2
42:22 43:14	temporary	47:16 48:2	11:13,15	61:2,5 62:7,8
44:8,15 49:14	32:11 34:15	58:6,11,11	64:18 115:22	65:9 66:3,5
51:14 53:3,6	34:17 40:13	59:2,11,14	testing 3:11,13	66:18 67:21
53:13 58:1	175:3	61:10 65:23	16:3 21:1	72:8,13,21
62:20 63:16	temps 29:1	66:8,12,16	33:2 67:15,22	73:5,7 77:20

FREEDOM COURT REPORTING

Page 208

83:17 84:3,4	120:12 127:4	135:21	101:9 106:17	trigger 82:20
85:9,11 86:9	127:4 130:9	142:13,17	108:23	82:22
89:15,17	130:13	143:8 151:8	113:13,22	troubleshoot...
91:23 93:15	131:17 132:6	154:10	114:3 116:4	16:3 20:23
96:19 99:4,21	133:4 170:22	155:19	121:1,5,13,14	true 188:13
111:12	thoughts 132:5	158:20	124:11,18	truth 7:10
112:13 113:8	thousand 34:9	159:23	131:15 133:6	147:14 166:1
115:6 117:14	34:10 172:7	163:13,15,20	133:6 134:17	try 61:22 74:6
124:8,15	Thousands	165:15 167:9	135:8,18,22	108:20,23
125:13	22:20,21	168:9,18	136:10,21	126:12 175:5
126:23 127:6	three 38:7	172:6 174:13	137:6 142:11	trying 27:9
128:7 129:21	47:17 75:22	175:8,15	143:1 155:16	93:15
134:3,16,21	82:5 85:3	176:1,12	156:19	turn 114:9
135:17	100:15,16	179:20	170:20 171:2	123:5,7
136:16	155:21	183:23 184:7	171:22	turned 134:12
137:19 140:8	162:15	184:19 185:1	184:11,12	186:5
141:23 142:5	184:21	185:5,5	185:2,10	Turner 25:21
142:7 147:23	three-fourths	188:15	186:18	Turners 26:16
148:9 149:22	78:4	timely 170:17	tools 111:13	turning 134:15
158:14 160:9	Threlkeld 4:23	times 8:22	top 87:17	turns 106:10
162:9 163:10	Tiffany 4:23	44:21 48:3	167:3,17	TV 48:20
163:14	time 2:14,14	62:3 70:22	total 38:7,8,10	144:17
165:16 167:2	6:16 7:18	88:13,18 89:5	62:13	twenty 127:9
168:11,17	22:13 24:9	140:1 155:3	totally 81:18	139:19
169:19	28:10 29:21	158:11,12	town 58:14	twenty-eight
173:15,16	29:22 34:4	159:5 166:23	66:8,13	34:9,10 172:7
177:15 178:2	39:6 45:5	167:16	training 36:15	twice 52:12
179:4 180:13	46:4,14,16	168:20	transcript	62:7,9,10,13
182:5,20	47:2 48:6,11	184:22 186:2	188:10,14	155:6 156:6
183:7,10	48:17,23	186:7,10	trash 125:11	167:8 184:23
184:8,8	49:16 54:19	title 31:3,5	125:14,18	two 14:5,9 15:7
thinking 7:14	55:1,2,13	33:4	treat 35:20	17:18 22:14
third 78:16	58:17 61:1,7	today 6:7 7:9	40:2 47:17	31:8 32:10
Thirty-six 8:14	61:10,21 62:8	11:12,13	48:3,7,12,16	33:13 38:3,4
thoroughly	62:10,12,16	186:18	58:17,22	38:8,8,9 66:5
135:8	66:2 82:23	told 6:11 35:3	92:18	76:2 84:6
thought 39:3	85:4 89:5	41:17 43:19	treated 47:23	121:8 139:7,8
42:4 48:17	94:10 98:2,3	43:22 53:21	138:7,11	158:12
49:21 51:19	101:13	54:21 56:16	139:16 166:5	162:15
53:13,16,19	109:15,18,22	57:21 59:22	166:9,13,18	two-week
55:6 56:17	115:5 118:4,5	63:14 64:22	166:21	112:11,12,15
81:12 83:9,12	120:22	65:2 66:10,19	169:20	type 50:9,10,11
83:14 89:22	122:21	73:18 75:12	trial 2:14	66:15 68:18
90:3 119:3	123:17,20,21	80:22 82:3	tried 108:21	types 32:8

367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

FREEDOM COURT REPORTING

Page 209

63:20	174:18 175:1	vast 123:19	75:19 86:2	84:6 100:7
T-A-N-I-S-H...	175:10	Venable 182:4	111:18,20	146:19,20,22
9:12	unfair 127:5,7	verbally 6:20	121:14,16	163:15 167:8
U	138:2	Victor 1:6,15	133:19 136:5	167:8
U 1:12	United 1:1 4:1	1:21 4:5 5:10	136:6 148:8	weekend 60:20
uh-huh 6:5,17	14:21	5:13 8:6	159:10	weekly 76:9
6:23 7:4	unprofessional	129:1 171:20	wanting 94:13	103:7
10:16 13:22	81:20	view 68:22	94:16	weeks 66:4
14:18 24:1,3	update 103:7	views 126:4	Warren 4:17	155:21
26:2 29:19	upgrade 21:21	violated	6:2	Wendy's 18:7
ultimately	upset 95:9	141:17	wasn't 34:21	went 27:7,10
153:14	use 44:19 45:3	visit 118:20	39:4,5,8	27:11,14,14
unacceptable	46:2,16 52:3	voice 41:13	46:21 55:6	33:13 34:1
42:23	52:6 61:12,12	43:8 95:13,14	56:17 66:23	56:10 61:6
unavailable	121:2,15,16	132:16	69:6,6,10	65:2 79:6
74:15 184:3	121:19	volt 16:19	75:21 76:18	113:5 114:18
understand	143:17 144:1	23:10,11	76:19 77:5	118:6 130:16
7:8,18,20	Usual 5:16	134:13	84:14 98:3	131:2 147:6
35:5 44:22	V	voltage 134:12	101:12,15	150:8 174:17
47:1,4 57:6	vacation	voluntarily	103:4 122:10	weren't 28:11
68:11 91:11	112:11,13,15	17:20,22	122:13 123:3	56:17 57:10
97:2,7 103:13	113:14,19,23	vs 1:8 4:7	127:20	98:5 109:4
141:23 154:8	114:19 115:2	W	128:12	124:21
156:14 160:9	116:11,20	wafer 23:21	133:22 139:6	141:18 168:4
162:3,4	117:5,18,21	waiting 149:16	145:1 160:7	Wetumpka 5:3
163:22	117:23 118:6	waived 2:3,19	161:6 162:11	we'll 29:15
172:16	118:9,11	wake 177:6,7,8	176:9	59:9 136:17
understanding	119:2 129:5	walk 71:22	watch 50:12,15	136:18
7:15	130:16 131:2	72:18	way 7:1 11:9	we're 67:17
understood 8:1	132:8 134:11	walked 72:3,21	11:12 21:23	79:20 103:8
45:15 97:16	134:13,14	walking 72:17	32:22 54:12	126:10 154:9
101:22 102:4	176:21	want 6:15 11:7	54:16 59:3,12	154:11
102:20 103:1	vacuum 31:22	11:8 16:12	60:3 78:4	168:18
161:14,22	32:4 121:23	39:1 47:22	80:13 82:21	183:20
underway	134:10	70:18 75:22	92:19 96:10	we've 55:4
89:16	169:12,13	76:7 111:16	98:6 112:3,13	183:11,11
unemployed	valves 106:3,5	154:6 172:19	135:9 137:20	white 51:19,20
150:23	106:14	178:3 182:11	139:15 140:4	51:21,22 63:2
unemployme...	variable 87:12	183:12,18	142:14 178:4	78:21 138:4
23:5 147:10	variety 99:2	186:8	ways 90:2	141:15
147:15,16,17	various 21:3	wanted 39:9	weapons 16:4	152:14,20
148:12 149:6	21:19 23:19	58:8 63:16	Web 150:12	166:9 169:21
150:12	79:7	68:8 73:10	week 66:5	wife 51:21,22
			67:11 77:20	wires 116:15

FREEDOM COURT REPORTING

Page 210

117:5 119:16 119:22 120:5 131:5,9 wiring 131:10 withstand 106:9,12,20 witness 2:3 5:10 154:7 156:9 180:19 women 64:21 wondering 94:19 152:15 Woodland 13:20,21 14:1 14:2,10 24:22 25:3,6,9 27:7 28:1 word 43:3 52:4 52:7 56:19,20 57:1,9 143:17 144:7,8,10 words 10:5 41:4,11,15 42:2 43:5,15 44:8,15 45:20 63:6 65:17 66:11 73:9 92:18 95:6,17 96:11 101:16 103:5 112:23 114:21 117:20 130:20,22 132:19 185:17 work 16:13,20 16:23 17:4 27:6,17 35:16 35:16 36:7,16 37:7 40:9 74:13 75:10 76:19 82:9,15 82:16,18 83:9 83:12,14,20	102:5,5 108:11,23 109:1 110:11 110:18 111:19,21,22 112:1,21 119:10 141:5 143:14 146:16,23 147:5,6 154:23 161:3 167:1,7 175:2 175:11 178:11 worked 18:6,7 18:14 23:15 23:17 126:8 128:14,15 139:5 143:15 154:22 157:2 160:11,13 167:6 176:13 worker 145:18 146:4 working 28:7 29:11 30:23 31:4,15 32:11 60:10 74:17 76:17 102:18 102:21 103:1 103:16 122:4 122:9,10,11 123:6 126:6 126:10 127:9 127:12,14 128:18 129:3 133:1 167:23 175:9 workload 36:4 workplace 43:8 44:11 47:23 58:4 63:21 99:2 143:11	works 157:2 world 102:8 worry 80:16 136:17 wouldn't 40:21 82:17 98:15 108:22 131:6 Wright 25:23 26:18 write-up 90:10 writing 159:3 written 91:19 139:21 140:2 wrong 81:12 106:3,4 120:1 wrote 78:21 87:22 W-R-I-G-H-T 26:1 <hr/> X <hr/> X 3:2 X-ray 19:20 20:1,3,6 <hr/> Y <hr/> yeah 12:16 17:3 25:17 32:3 35:5 39:11 41:23 56:5,8 59:8 62:6 86:8 93:19 107:1 137:18 142:8 143:23 146:7 148:4 164:11 171:18 179:5 181:16 182:7 182:13,14 year 14:14 21:16 23:23 49:3 146:1 years 15:1,7,21 17:18 23:23 yell 99:23	yelled 96:14 yelling 96:18 yesterday 11:10 y'all 31:19 50:18 54:23 55:22 78:16 78:21 79:1,5 79:6,11,23 81:6 111:6 114:13 167:10 178:16 <hr/> 0 <hr/> 03 28:2,2,4,8 29:5 49:4 179:2,6 04 67:20 100:10,12 163:17 <hr/> 1 <hr/> 1 3:8 29:7,15 129:6 10:18 5:9 10:55 87:3 103 3:20 11th 145:20,23 18.65 146:9,12 19th 113:19 1970 8:11,12 1988 14:16,18 1991 179:11 1992 9:6 1997 9:8 1999 15:19 <hr/> 2 <hr/> 2 1:17 3:9 4:14 5:8 8:11 69:17,21 2:52 187:5 20 104:6 2003 30:22	2004 49:5 86:18 89:12 104:7,14 129:6 2005 145:21 2006 1:19 187:6 22nd 116:8,16 24 187:6 24th 1:19 2400 4:18 2411 8:17 28 86:18 87:3 28th 80:1 88:11 101:18 103:3 29 3:8 <hr/> 3 <hr/> 3 3:12 79:14,20 3:05-CV-1186 1:5 4:4 31 101:4 104:7 104:14 334 118:18 35203 4:20 36078 1:19 4:15 5:9 36117 8:17 <hr/> 4 <hr/> 4 3:15 86:12 419-04-5769 8:10 <hr/> 5 <hr/> 5 3:5,17 89:12 90:5,10 5/5/04 3:17 5600 8:16 <hr/> 6 <hr/> 6 3:20 101:2 103:21 104:2 104:13
--	--	--	--	---

FREEDOM COURT REPORTING

Page 211

6/28/04 3:15 69 3:11				
7				
7:30 129:11,12 79 3:14				
8				
8/31/04 3:20 86 3:16 863-4893 118:19 88 14:17 15:22				
9				
9:30 60:10 90 3:19 92 179:11 95 15:22 97 180:3,3 98 180:3 99 16:17 17:2 19:13				

367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660